

Michigan Register

Issue No. 23— 2006 (Published January 1, 2007)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



Issue No. 23— 2006

(This issue, published January 1, 2007, contains
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Jennifer M. Granholm, Governor



John D. Cherry Jr., Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The State Office of Administrative Hearings and Rules publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

MCL 24.208 states:

Sec. 8 (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
 - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
 - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
 - (d) Proposed administrative rules.
 - (e) Notices of public hearings on proposed administrative rules.
 - (f) Administrative rules filed with the secretary of state.
 - (g) Emergency rules filed with the secretary of state.
 - (h) Notice of proposed and adopted agency guidelines.
 - (i) Other official information considered necessary or appropriate by the State Office of Administrative Hearings and Rules.
 - (j) Attorney general opinions.
 - (k) All of the items listed in section 7(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.
- (2) The State Office of Administrative Hearings and Rules shall publish a cumulative index for the Michigan register.
 - (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
 - (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the State Office of Administrative Hearings and Rules may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
 - (5) An agency shall transmit a copy of the proposed rules and notice of public hearing to the State Office of Administrative Hearings and Rules for publication in the Michigan register.

MCL 4.1203 states:

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the State Office of Administrative Hearings and Rules. The fund shall be expended only as provided in this section.

- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of Michigan register at a price determined by the State Office of Administrative Hearings and Rules not to exceed cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the State Office of Administrative Hearings and Rules shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the State Office of Administrative Hearings and Rules shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the State Office of Administrative Hearings and Rules shall be made available in the shortest feasible time after it is made available to the State Office of Administrative Hearings and Rules.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The State Office of Administrative Hearings and Rules shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the State Office of Administrative Hearings and Rules for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The State Office of Administrative Hearings and Rules is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, State Office of Administrative Hearings and Rules, Ottawa Building - Second Floor, 611 W. Ottawa, P.O. Box 30695, Lansing, MI 48933.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: State Office of Administrative Hearings and Rules, Ottawa Building - Second Floor, 611 W. Ottawa, P.O. Box 30695, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the State Office of Administrative Hearings and Rules (517) 335-2484.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the State Office of Administrative Hearings and Rules: www.michigan.gov/cis/0,1607,7-154-10576_35738---,00.html

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the State Office of Administrative Hearings and Rules Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Peter Plummer, Executive Director
State Office of Administrative Hearings and Rules

2006 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2006	February 1, 2006
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4	March 1, 2006	March 15, 2006
5	March 15, 2006	April 1, 2006
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ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

SOARH 2004-008

DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

AIR POLLUTION CONTROL

Filed with the Secretary of State on December 4, 2006

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of environmental quality by sections 5503, 5505(4), and 5512 of 1994 PA 451, MCL 324.5503, 324.5505(4), and 324.5512, and Executive Reorganization Order No. 1995-18, MCL 324.99903)

Draft July 31, 2006

R 336.2801, R 336.2801a, R 336.2802, R 336.2803, R 336.2804, R 336.2805, R 336.2806, R 336.2807, R 336.2808, R 336.2809, R 336.2810, R 336.2811, R 336.2812, R 336.2813, R 336.2814, R 336.2815, R 336.2816, R 336.2817, R 336.2818, R 336.2819, R 336.2823, and R 336.2830 of the Michigan Administrative Code are added as follows:

PART 18. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY

R 336.2801 Definitions.

The following definitions apply to terms used in this part. If a term defined in this part is also defined elsewhere in the rules, then the definition contained here applies for this part only.

(a) “Actual emissions” means the actual rate of emissions of a regulated new source review pollutant from an emissions unit, as determined under R 336.1101(b), except that this definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a plantwide applicability limit under R 336.2823. Instead, the terms “projected actual emissions” and “baseline actual emissions” shall apply for those purposes.

(b) “Baseline actual emissions” means the rate of emissions, in tons per year, of a regulated new source review pollutant, as determined by the following:

(i) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The department shall allow the use of a different time period upon a determination that it is more representative of normal source operation. All of the following provisions apply:

(A) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(B) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

(C) For a regulated new source review pollutant, if a project involves multiple emissions units, then only 1 consecutive 24-month period shall be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period may be used for each regulated new source review pollutant.

(D) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraph (i)(B) of this subdivision.

(ii) For an existing emissions unit, other than an electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the department for a permit required by R 336.1201, whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990. All of the following provisions apply:

(A) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(B) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

(C) The average rate shall be adjusted downward to exclude emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a maximum achievable control technology standard that the United States environmental protection agency proposed or promulgated under 40 C.F.R. part 63, then the baseline actual emissions need only be adjusted if the state has taken credit for such emissions reductions in an attainment demonstration or maintenance plan submitted to the U.S. environmental protection agency. The provisions of 40 C.F.R. part 63 are adopted by reference in R 336.2801a.

(D) For a regulated new source review pollutant, if a project involves multiple emissions units, then only 1 consecutive 24-month period shall be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period may be used for each regulated new source review pollutant.

(E) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by subparagraphs (B) and (C) of this paragraph.

(iii) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit.

(iv) For a plantwide applicability limit for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units under paragraph (i) of this subdivision, for other existing emissions units under paragraph (ii) of this subdivision, and for a new emissions unit under paragraph (iii) of this subdivision.

(c) "Baseline area" means all of the following:

(i) Any intrastate area, and every part thereof, designated as attainment or unclassifiable under section 107(d)(1) (D) or (E) of the clean air act in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than

1 microgram per cubic meter (annual average) of the pollutant for which the minor source baseline date is established.

(ii) Area redesignations under section 107(d)(1) (D) or (E) of the clean air act shall not intersect or be smaller than the area of impact of any major stationary source or major modification which does either of the following:

(A) Establishes a minor source baseline date.

(B) Is subject to PSD regulations or new source review for major sources in nonattainment areas regulations.

(iii) Any baseline area established originally for the total suspended particulates increments shall remain in effect and shall apply for purposes of determining the amount of available PM-10 increments, except that the baseline area shall not remain in effect if the department rescinds the corresponding minor source baseline date under subdivision (bb)(iv) of this rule.

(d) “Baseline concentration” means the value derived using the following procedures:

(i) The ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date. A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include both of the following:

(A) The actual emissions representative of sources in existence on the applicable minor source baseline date.

(B) The allowable emissions of major stationary sources that commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.

(ii) The following shall not be included in the baseline concentration and shall affect the applicable maximum allowable increase:

(A) Actual emissions from any major stationary source on which construction commenced after the major source baseline date.

(B) Actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.

(e) “Begin actual construction” means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. “A change in method of operation” refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.

(f) “Best available control technology” or “BACT” means an emissions limitation, including a visible emissions standard, based on the maximum degree of reduction for each regulated new source review pollutant, which would be emitted from any proposed major stationary source or major modification which the department -- on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs -- determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of the pollutant. Application of best available control technology shall not result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 C.F.R. parts 60 and 61, adopted by reference in R 336.2801a. If the department determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, then a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. The standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of the design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

(g) “Building, structure, facility, or installation” means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on 1 or more contiguous or adjacent properties, and are under the control of the same person, or persons under common control, except the activities of any vessel. Pollutant-emitting activities are part of the same industrial grouping if they have the same 2-digit major group code associated with their primary activity. Major group codes and primary activities are described in the standard industrial classification manual, 1987. For assistance in converting north American industrial classification system codes to standard industrial classification codes see <http://www.census.gov/epcd/naics02/>.

(h) “Clean coal technology” means any technology, including technologies applied at the precombustion, combustion, or post-combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

(i) “Clean coal technology demonstration project” means a project using funds appropriated under the heading "Department of Energy -- Clean Coal Technology," up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the United States Environmental Protection Agency. The federal contribution for a qualifying project shall be at least 20% of the total cost of the demonstration project.

(j) [Reserved]

(k) “Commence,” as applied to construction of a major stationary source or major modification, means that the owner or operator has all necessary preconstruction approvals or permits and has done either of the following:

(i) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time.

(ii) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(l) “Complete” means, in reference to an application for a permit, that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the department from requesting or accepting additional information.

(m) “Construction” means any physical change or change in the method of operation, including fabrication, erection, installation, demolition, or modification of an emissions unit, that would result in a change in emissions.

(n) “Continuous emissions monitoring system” or “CEMS” means all of the equipment that may be required to meet the data acquisition and availability requirements of these rules, to sample, condition if applicable, analyze, and provide a record of emissions on a continuous basis.

(o) “Continuous emissions rate monitoring system” or “CERMS” means the total equipment required for the determination and recording of the pollutant mass emissions rate in terms of mass per unit of time.

(p) “Continuous parameter monitoring system” or “CPMS” means all of the equipment necessary to meet the data acquisition and availability requirements of these rules, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, oxygen or carbon dioxide concentrations), and to record average operational parameter value or values on a continuous basis.

(q) “Electric utility steam generating unit” means any steam electric generating unit that is constructed for supplying more than 1/3 of its potential electric output capacity and more than 25 megawatt electrical output to any utility power distribution system for sale. Steam supplied to a steam distribution

system for providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

(r) “Emissions unit” means any part of a stationary source that emits or would have the potential to emit any regulated new source review pollutant and includes an electric utility steam generating unit. Both of the following are types of emissions units:

(i) A new emissions unit is any emissions unit that is, or will be, newly constructed and that has existed for less than 2 years from the date the emissions unit first operated.

(ii) An existing emissions unit is any emissions unit that does not meet the definition of a new emissions unit. A replacement unit is an existing emissions unit.

(s) “Federal land manager” means, with respect to any lands in the United States, the secretary of the department with authority over such lands.

(t) “High terrain” means an area having an elevation 900 feet or more above the base of the stack of a source.

(u) “Hydrocarbon combustion flare” means either a flare used to comply with an applicable new source performance standard or maximum achievable control technology standard, including uses of flares during startup, shutdown, or malfunction permitted under such a standard, or a flare that serves to control emissions of waste streams comprised predominately of hydrocarbons and containing not more than 230 milligrams per dry standard cubic meter hydrogen sulfide.

(v) “Indian reservation” means any federally recognized reservation established by treaty, agreement, executive order, or act of congress.

(w) “Indian governing body” means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(x) “Innovative control technology” means any system of air pollution control that has not been adequately demonstrated in practice, but may have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental impacts.

(y) “Low terrain” means any area other than high terrain.

(z) “Lowest achievable emission rate” or “LAER”, for any source, means the more stringent rate of emissions based on R 336.1112(f).

(aa) “Major modification” means any of the following:

(i) Physical change in or change in the method of operation of a major stationary source that would result in both of the following:

(A) A significant emissions increase of a regulated new source review pollutant.

(B) A significant net emissions increase of that pollutant from the major stationary source.

(ii) A significant emissions increase from any emissions units or net emissions increase at a major stationary source that is significant for volatile organic compounds shall be considered significant for ozone.

(iii) Physical change or change in the method of operation shall not include any of the following:

(A) Routine maintenance, repair, and replacement.

(B) Use of an alternative fuel or raw material by reason of any order under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 or by reason of a natural gas curtailment plan under the Federal Power Act.

(C) Use of an alternative fuel by reason of an order or rule under section 125 of the clean air act.

(D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.

(E) Use of an alternative fuel or raw material by a stationary source which meets either of the following:

(1) The source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975, under PSD regulations or R 336.1201(1)(a).

(2) The source is approved to use under any permit issued under PSD regulations or under R 336.1201(1)(a).

(F) An increase in the hours of operation or in the production rate, unless the change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975, under PSD regulations or R 336.1201(1)(a).

(G) Any change in ownership at a stationary source.

(H) [Reserved]

(I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with both of the following:

(1) The state implementation plan.

(2) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.

(J) The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.

(K) The reactivation of a very clean coal-fired electric utility steam generating unit.

(iv) This definition shall not apply with respect to a particular regulated new source review pollutant when the major stationary source is complying with the requirements for an actuals PAL for that pollutant. Instead, the definition of PAL major modification in R 336.2823 shall apply.

(bb) All of the following apply to major and minor source baseline dates:

(i) “Major source baseline date” means both of the following:

(A) January 6, 1975, for particulate matter and sulfur dioxide.

(B) February 8, 1988, for nitrogen dioxide.

(ii) “Minor source baseline date” means the earliest date after the trigger date on which a major stationary source or a major modification subject to PSD regulations submits a complete application under the relevant regulations. The trigger date is both of the following:

(A) August 7, 1977, for particulate matter and sulfur dioxide.

(B) February 8, 1988, for nitrogen dioxide.

(iii) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if both of the following occur:

(A) The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(i) (D) or (E) of the clean air act for the pollutant on the date of its complete application under R 336.1201 and PSD regulations.

(B) If a major stationary source, the pollutant would be emitted in significant amounts, or, if a major modification, there would be a significant net emissions increase of the pollutant.

(iv) Any minor source baseline date established originally for the total suspended particulates increments shall remain in effect and shall apply for determining the amount of available PM-10 increments, except that the department may rescind any minor source baseline date where it can be shown, to the satisfaction of the department, that the emissions increase from the major stationary source, or the net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM-10 emissions.

(cc) “Major stationary source” means any of the following:

(i) Any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of a regulated new source review pollutant:

(A) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input.

(B) Coal cleaning plants with thermal dryers.

(C) Kraft pulp mills.

(D) Portland cement plants.

(E) Primary zinc smelters.

(F) Iron and steel mill plants.

(G) Primary aluminum ore reduction plants.

(H) Primary copper smelters.

(I) Municipal incinerators capable of charging more than 250 tons of refuse per day.

(J) Hydrofluoric, sulfuric, and nitric acid plants.

(K) Petroleum refineries.

(L) Lime plants.

(M) Phosphate rock processing plants.

(N) Coke oven batteries.

(O) Sulfur recovery plants.

(P) Carbon black plants (furnace process).

(Q) Primary lead smelters.

(R) Fuel conversion plants.

(S) Sintering plants.

(T) Secondary metal production plants.

(U) Chemical process plants.

(V) Fossil fuel boilers, or combinations thereof, totaling more than 250 million British thermal units per hour heat input.

(W) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.

(X) Taconite ore processing plants.

(Y) Glass fiber processing plants.

(Z) Charcoal production plants.

(ii) Any stationary source not listed in the previous subdivision which emits, or has the potential to emit, 250 tons per year or more of a regulated new source review pollutant.

(iii) Any physical change that would occur at a stationary source not otherwise qualifying under subdivision (cc) of this subrule, as a major stationary source if the change would constitute a major stationary source by itself.

(iv) A major source that is major for volatile organic compounds shall be considered major for ozone.

(v) The fugitive emissions of a stationary source shall not be included in determining, for any of the purposes of this rule, whether it is a major stationary source, unless the source belongs to 1 of the categories of stationary sources listed in paragraph (i) of this subdivision.

(dd) "Necessary preconstruction approvals or permits" means a permit issued under R 336.1201(1)(a) that is required by R 336.2801 to R 336.2819, R 336.2823, and R 336.2830 or R 336.1220.

(ee) "Net emissions increase" means all of the following:

(i) For any regulated new source review pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:

(A) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated under R 336.2802(4).

(B) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for

calculating increases and decreases under this paragraph shall be determined as provided in the definition of baseline actual emissions, except that paragraphs (i)(C) and (ii)(D) of this subdivision shall not apply.

(ii) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs not more than 5 years before the date that the increase from the particular change occurs.

(iii) An increase or decrease in actual emissions is creditable only if both of the following occur:

(A) It occurs within a 5-year period.

(B) The department has not relied on it in issuing a permit under R 336.1201(1)(a) or R 336.1214a, which permit is in effect when the increase in actual emissions from the particular change occurs.

(iv) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or oxides of nitrogen that occurs before the applicable minor source baseline date is creditable only if it is required in calculating the amount of maximum allowable increases remaining available.

(v) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(vi) A decrease in actual emissions is creditable only to the extent that it meets all of the following criteria:

(A) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions.

(B) It is enforceable as a practical matter at and after the time that actual construction on the particular change begins.

(C) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(vii) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. A replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

(viii) The provisions of R 336.1101(b) shall not apply for determining creditable increases and decreases.

(ff) [Reserved]

(gg) "Pollution prevention" means any activity that through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants, including fugitive emissions, and other pollutants to the environment before recycling, treatment, or disposal. Pollution prevention does not mean recycling, other than certain "in-process recycling" practices, energy recovery, treatment, or disposal.

(hh) "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. A physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is legally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(ii) "Predictive emissions monitoring system" or "PEMS" means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, oxygen or carbon dioxide concentrations), and calculate and record the mass emissions rate (for example, pounds per hour) on a continuous basis.

(jj) “Prevention of significant deterioration” or “PSD” program means the major source preconstruction permit program required by 40 C.F.R. §52.21, adopted by reference in R 336.2801a, or R 336.2801 to R 336.2819, R 336.2823 and R 336.2830. A permit issued under this program is a major NSR permit.

(kk) “Project” means a physical change in, or change in method of operation of, an existing major stationary source.

(ll) “Projected actual emissions” means all of the following:

(i) The maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated new source review pollutant in any 1 of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any 1 of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit that regulated new source review pollutant, and full utilization of the unit would result in a significant emissions increase, or a significant net emissions increase at the major stationary source.

(ii) In determining the projected actual emissions, before beginning actual construction, the owner or operator of the major stationary source shall do all of the following:

(A) Consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the state or federal regulatory authorities, and compliance plans under the state implementation plan.

(B) Include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions.

(C) Exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth.

(iii) The owner or operator of a major stationary source may use the emissions unit's potential to emit, in tons per year, instead of calculating projected actual emissions.

(mm) “Reactivation of a very clean coal-fired electric utility steam generating unit” means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit meets all of the following criteria:

(i) The unit was not in operation for the 2-year period before the enactment of the clean air act amendments of 1990, and the emissions from the unit continue to be carried in the department's emissions inventory at the time of enactment.

(ii) The unit was equipped before shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of not less than 85% and a removal efficiency for particulates of not less than 98%.

(iii) The unit was equipped with low-oxides of nitrogen burners before the time of commencement of operations following reactivation.

(iv) The unit otherwise complies with the requirements of the clean air act.

(nn) “Regulated new source review pollutant,” for purposes of this rule, means all of the following:

(i) A pollutant for which a national ambient air quality standard has been promulgated and any constituents or precursors for the pollutants identified by the United States environmental protection agency. For example, volatile organic compounds are precursors for ozone.

(ii) A pollutant that is subject to any standard promulgated under section 111 of the clean air act.

(iii) A class I or II substance subject to a standard promulgated under or established by title VI of the clean air act.

(iv) A pollutant that otherwise is subject to regulation under the clean air act; except that any or all hazardous air pollutants either listed in section 112 of the clean air act or added to the list under section 112(b)(2) of the clean air act, which have not been delisted under section 112(b)(3) of the clean air act, are not regulated new source review pollutants unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the clean air act.

(oo) “Repowering” means all of the following:

(i) Replacement of an existing coal-fired boiler with 1 of the following clean coal technologies:

(A) Atmospheric or pressurized fluidized bed combustion.

(B) Integrated gasification combined cycle.

(C) Magneto hydrodynamics.

(D) Direct and indirect coal-fired turbines.

(E) Integrated gasification fuel cells.

(F) A derivative of 1 or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990, as determined by the United States environmental protection agency, in consultation with the Secretary of Energy.

(ii) Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the United States Department of Energy.

(iii) The department shall give expedited consideration to permit applications for any source that satisfies the definition of repowering and is granted an extension under section 409 of the clean air act.

(pp) “Secondary emissions” means emissions which occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For this rule, secondary emissions shall be specific, well defined, quantifiable, and impact the same general areas the stationary source modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

(qq) “Significant” means:

(i) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following pollutant emission rates:

(A) Carbon monoxide: 100 tons per year.

(B) Oxides of nitrogen: 40 tons per year.

(C) Sulfur dioxide: 40 tons per year.

(D) Particulate matter: 25 tons per year of particulate matter emissions; 15 tons per year of PM-10 emissions.

(E) Ozone: 40 tons per year of volatile organic compounds.

(F) Lead: 0.6 tons per year.

(G) Fluorides: 3 tons per year.

(H) Sulfuric acid mist: 7 tons per year.

(I) Hydrogen sulfide: 10 tons per year.

(J) Total reduced sulfur, including hydrogen sulfide: 10 tons per year.

(K) Reduced sulfur compounds, including hydrogen sulfide: 10 tons per year.

(L) Municipal waste combustor organics, measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans: 3.2×10^{-6} megagrams per year or 3.5×10^{-6} tons per year.

(M) Municipal waste combustor metals, measured as particulate matter: 14 megagrams per year or 15 tons per year.

(N) Municipal waste combustor acid gases, measured as sulfur dioxide and hydrogen chloride: 36 megagrams per year or 40 tons per year.

(O) Municipal solid waste landfill emissions, measured as nonmethane organic compounds: 45 megagrams per year or 50 tons per year.

(ii) Significant means, in reference to a net emissions increase or the potential of a source to emit a regulated new source review pollutant not listed in this definition, any emissions rate.

(iii) Significant also means any emissions rate or any net emissions increase associated with a major stationary source or major modification, which would construct within 10 kilometers of a class I area, and have an impact on such area equal to or greater than 1 microgram per cubic meter (24-hour average).

(rr) “Significant emissions increase” means, for a regulated new source review pollutant, an increase in emissions that is significant for that pollutant.

(ss) “Stationary source” means any building, structure, facility, or installation which emits or may emit a regulated new source review pollutant.

(tt) “Temporary clean coal technology demonstration project” means a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the state implementation plan and other requirements necessary to attain and maintain the national ambient air quality standards during and after the project is terminated.

R 336.2801a Adoption by reference.

Rule 1801a. For the purpose of clarifying the definitions in these rules, the following documents are adopted by reference in these rules:

(a) Copies of the following documents are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules:

(i) Title 40 C.F.R., part 51, appendix S, section IV, “Sources That Would Locate in a Designated Nonattainment Area,” (2005), \$55.00.

(ii) Title 40 C.F.R., §52.21, “Prevention of Significant Deterioration of Air Quality,” (2005), \$70.00.

(iii) Title 40 C.F.R., part 58, appendix B, “Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring,” (2005), \$41.00.

(iv) Title 40 C.F.R., part 60, “Standards of performance for new stationary sources,” (2005), \$68.00 for 60.1-end and \$67.00 for the appendices.

(v) Title 40 C.F.R., part 61, “National emission standards for hazardous air pollutants,” (2005), \$55.00.

(vi) Title 40 C.F.R., part 63, “National emission standards for hazardous air pollutants for source categories,” (2005), \$68.00 for 63.1-63.599, \$60.00 for 63.600-63.1199, \$60.00 for 63.1200-63.1439, \$42.00 for 63.1440-63.6175, \$42.00 for 63.6580-63.8830, and \$45.00 for 63.8980-end.

(b) Copies of the following documents may be obtained from the Superintendent of Documents, [Government Printing Office](http://www.gpo.gov), P.O. Box 371954, Pittsburgh, Pennsylvania, 15250-7954, at a cost as of the time of adoption of these rules, or on the United States government printing office internet web site at <http://www.access.gpo.gov>:

(i) Title 40 C.F.R., part 51, appendix S, section IV, “Sources That Would Locate in a Designated Nonattainment Area,” (2005), \$45.00.

(ii) Title 40 C.F.R., §52.21, “Prevention of Significant Deterioration of Air Quality,” (2005), \$60.00.

(iii) Title 40 C.F.R., part 58, appendix B, “Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring,” (2005), \$31.00.

(iv) Title 40 C.F.R., part 60, “Standards of performance for new stationary sources,” (2005), \$58.00 for 60.1-end and \$57.00 for the appendices.

(v) Title 40 C.F.R., part 61, “National emission standards for hazardous air pollutants,” (2005), \$45.00.

(vi) Title 40 C.F.R., part 63, “National emission standards for hazardous air pollutants for source categories,” (2005), \$58.00 for 63.1-63.599, \$50.00 for 63.600-63.1199, \$50.00 for 63.1200-63.1439, \$32.00 for 63.1440-63.6175, \$32.00 for 63.6580-63.8830, and \$35.00 for 63.8980-end.

R 336.2802 Applicability.

Rule 1802. (1) This part applies to the construction of a new major stationary source or a project at an existing major stationary source in an area designated as attainment or unclassifiable under sections 107(d)(1)(A)(ii) or (iii) of the clean air act.

(2) The requirements of R 336.2810 to R 336.2818 apply to the construction of any new major stationary source or the major modification of any existing major stationary source, except as this rule otherwise provides.

(3) No new major stationary source or major modification to which R 336.2810 to R 336.2818(2) apply shall begin actual construction without a permit to install issued under R 336.1201(1)(a) that states that the major stationary source or major modification will meet those requirements.

(4) This part applies to the construction of new major sources and major modifications to existing major sources in the following manner:

(a) Except as otherwise provided in subrule (5) of this rule, and consistent with the definition of major modification, a project is a major modification for a regulated new source review pollutant if it causes both of the following types of emissions increases:

(i) A significant emissions increase.

(ii) A significant net emissions increase.

The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

(b) The procedure for calculating whether a significant emissions increase will occur depends upon the type of emissions units being modified. The procedure for calculating, before beginning actual construction, whether a significant net emissions increase will occur at the major stationary source is contained in the definition of net emissions increase. Regardless of preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

(c) The actual-to-projected-actual applicability test may be used for projects that only involve existing emissions units. A significant emissions increase of a regulated new source review pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions for each existing emissions unit, equals or exceeds the significant amount for that pollutant.

(d) The actual-to-potential test may be used for projects that involve construction of new emission units or modification of existing emission units. A significant emissions increase of a regulated new source review pollutant is projected to occur if the sum of the difference between the potential to emit from each new or modified emission unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.

(e) The hybrid test may be used for projects that involve multiple types of emissions units. A significant emissions increase of a regulated new source review pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the appropriate methods specified in this subrule as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant.

(5) For any major stationary source with a plantwide applicability limit for a regulated new source review pollutant, the major stationary source shall comply with R 336.2823.

R 336.2803 Ambient air increments

Rule 1803. In areas designated as class I, II, or III, increases in pollutant concentration over the baseline concentration shall be limited to all of the following:

Table 182

Ambient air increments

Pollutant	Maximum allowable increase (micrograms per cubic meter)
Class I	
1-1 Particulate matter	
PM-10, annual arithmetic mean	4
PM-10, 24-hour maximum	8
Sulfur dioxide:	
Annual arithmetic mean	2
24-hour maximum	5
3-hour maximum	25
Nitrogen dioxide:	
Annual arithmetic mean	2.5
Class II	
Particulate matter:	
PM-10, annual arithmetic mean	17
PM-10, 24-hour maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	512
Nitrogen dioxide	
Annual arithmetic mean	25
Class III	
Particulate matter:	
PM-10, annual arithmetic mean	34
PM-10, 24-hour maximum	60
Sulfur dioxide:	
Annual arithmetic mean	40
24-hour maximum	182
3-hour maximum	700

Nitrogen dioxide:	
Annual arithmetic mean	50

For any period other than an annual period, the applicable maximum allowable increase may be exceeded during 1 period per year at any 1 location.

R 336.2804 Ambient air ceilings.

Rule 1804. The concentration of a pollutant shall not exceed either of the following:

- (a) The concentration permitted under the national secondary ambient air quality standard.
- (b) The concentration permitted under the national primary ambient air quality standard, whichever concentration is lowest for the pollutant for a period of exposure.

R 336.2805 Restrictions on area classifications.

Rule 1805. (1) All of the following areas in existence on August 7, 1977, shall be class I areas and shall not be redesignated:

- (a) International parks.
- (b) National wilderness areas which exceed 5,000 acres in size, including Seney National Wildlife Refuge.
- (c) National memorial parks which exceed 5,000 acres in size.
- (d) National parks which exceed 6,000 acres in size, including Isle Royale National Park.
- (2) Areas which were redesignated as class I under federal regulations promulgated before August 7, 1977, shall remain class I, but may be redesignated as provided in this rule.
- (3) Any other area, unless otherwise specified in the legislation creating such an area, is initially designated class II, but may be redesignated as provided in this rule.
- (4) Both of the following areas may be redesignated only as class I or II:
 - (a) An area which as of August 7, 1977, exceeded 10,000 acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore.
 - (b) A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.

R 336.2806 Exclusions from increment consumption.

Rule 1806. (1) The following concentrations shall be excluded in determining compliance with a maximum allowable increase:

- (a) Concentrations attributable to the increase in emissions from stationary sources which have converted from the use of petroleum products, natural gas, or both, by reason of an order in effect under section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 over the emissions from the identical sources before the effective date of the order.
- (b) Concentrations attributable to the increase in emissions from sources which have converted from using natural gas by reason of natural gas curtailment plan in effect under the Federal Power Act over the emissions from sources before the effective date of the plan.
- (c) Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified sources.
- (d) The increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration.

(e) Concentrations attributable to the temporary increase in emissions of sulfur dioxide, particulate matter, or oxides of nitrogen from stationary sources which are affected by plan revisions approved by the United States environmental protection agency.

(2) An exclusion of concentrations shall not apply more than 5 years after the effective date of the order to which subrule (1)(a) of this rule refers or the plan to which subrule (1)(b) of this rule refers, whichever is applicable. If both the order and plan are applicable, then the exclusion shall not apply more than 5 years after the later of such effective dates.

R 336.2807 Redesignation.

Rule 1807. (1) All areas of the state, except those designated as class I pursuant to R 336.2805 are designated as class II. Redesignation, except as otherwise precluded by R 336.2805, may be proposed by the department, as provided in subrule (2) of this rule, subject to approval by the United States environmental protection agency as a revision to the state implementation plan.

(2) The department may submit to the United States environmental protection agency a proposal to redesignate areas of the state class I or class II, based on all of the following:

(a) At least 1 public hearing has been held under MCL 324.5511.

(b) Other states, Indian governing bodies, and federal land managers whose lands may be affected by the proposed redesignation were notified at least 30 days before the public hearing.

(c) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social, and energy effects of the proposed redesignation, was prepared and made available for public inspection at least 30 days before the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion.

(d) Before the issuance of notice respecting the redesignation of an area that includes any federal lands, the department has provided written notice to the appropriate federal land manager and afforded adequate opportunity, not more than 60 days, to confer with the department respecting the redesignation and to submit written comments and recommendations. In redesignating an area with respect to which a federal land manager had submitted written comments and recommendations, the department shall have published a list of any inconsistency between the redesignation and comments and recommendations, together with the reasons for making the redesignation against the recommendation of the federal land manager.

(e) The department has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

R 336.2808 Stack heights.

Rule 1808. The degree of emission limitation required for control of any air pollutant under this rule shall not be affected in any manner by either of the following:

(a) So much of a stack height, not in existence before December 31, 1970, as exceeds good engineering practice.

(b) Any other dispersion technique not implemented before December 31, 1970.

R 336.2809 Exemptions.

Rule 1809. (1) The requirements of R 336.2810 to R 336.2818 do not apply to a particular major stationary source or major modification if either of the following occurs:

(a) The major stationary source would be a nonprofit health or nonprofit educational institution or a major modification that would occur at such an institution.

(b) The source or modification would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the

stationary source or modification and the source is not required to include fugitives in its potential to emit under R 336.2801(cc)(v).

(c) The source or modification is a portable stationary source which has previously received a permit under R 336.2810 to R 336.2818, if all of the following occur:

(i) The source proposes to relocate and emissions of the source at the new location would be temporary.

(ii) The emissions from the source would not exceed its allowable emissions.

(iii) The emissions from the source would not impact a class I area or an area where an applicable increment is known to be violated.

(iv) Reasonable notice is given to the department before the relocation identifying the proposed new location and the probable duration of operation at the new location. Notice shall be given to the department not less than 10 days in advance of the proposed relocation unless a different time duration is previously approved by the department.

(2) The requirements of R 336.2810 to R 336.2818 do not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or modification is subject to new source review for major sources in nonattainment areas regulations.

(3) The requirements of R 336.2811, R 336.2813, and R 336.2815 do not apply to a proposed major stationary source or major modification with respect to a particular pollutant, if the allowable emissions of that pollutant from a new source, or the net emissions increase of that pollutant from a modification, would be temporary and would not impact a class I area or an area where an applicable increment is known to be violated.

(4) The requirements of R 336.2811, R 336.2813, and R 336.2815, as they relate to any maximum allowable increase for a class II area, do not apply to a modification of a major stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each regulated new source review pollutant from the modification after the application of best available control technology would be less than 50 tons per year.

(5) The department may exempt a proposed major stationary source or major modification from R 336.2813, with respect to monitoring for a particular pollutant, if any of the following occur:

(a) The emissions increase of the pollutant from a new stationary source or the net emissions increase of the pollutant from a modification would cause, in any area, air quality impacts less than the following amounts:

(i) Carbon monoxide -- 575 micrograms per cubic meter, 8-hour average.

(ii) Nitrogen dioxide -- 14 micrograms per cubic meter, annual average.

(iii) Particulate matter -- 10 micrograms per cubic meter of PM-10, 24-hour average.

(iv) Sulfur dioxide -- 13 micrograms per cubic meter, 24-hour average.

(v) Ozone -- There is no de minimis air quality level for ozone. However, any net increase of 100 tons per year or more of volatile organic compounds subject to PSD would be required to perform an ambient impact analysis, including the gathering of ambient air quality data.

(vi) Lead -- 0.1 micrograms per cubic meter, 3-month average.

(vii) Fluorides -- 0.25 micrograms per cubic meter, 24-hour average.

(viii) Total reduced sulfur -- 10 micrograms per cubic meter, 1-hour average.

(ix) Hydrogen sulfide -- 0.2 micrograms per cubic meter, 1-hour average.

(x) Reduced sulfur compounds -- 10 micrograms per cubic meter, 1-hour average.

(b) The concentrations of the pollutant in the area that the source or modification would affect are less than the concentrations listed in subdivision (a) of this subrule.

(c) The pollutant is not listed in subdivision (a) of this subrule.

R 336.2810 Control technology review.

Rule 1810. (1) A major stationary source or major modification shall meet each applicable emissions limitation under the state implementation plan and each applicable emission standards and standard of performance under 40 C.F.R. parts 60 and 61, adopted by reference in R 336.2801a.

(2) A new major stationary source shall apply best available control technology for each regulated new source review pollutant that it would have the potential to emit in significant amounts.

(3) A major modification shall apply best available control technology for each regulated new source review pollutant for which it would be a significant net emissions increase at the source. This subrule applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

(4) For phased construction projects, the determination of best available control technology shall be reviewed and modified as appropriate at the latest reasonable time which occurs not later than 18 months before commencement of construction of each independent phase of the project. At such time, the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of best available control technology for the source.

R 336.2811 Source impact analysis.

Rule 1811. The owner or operator of the proposed major source or major modification shall demonstrate that allowable emission increases from the proposed major source or major modification, in conjunction with all other applicable emissions increases or reduction, including secondary emissions, shall not cause or contribute to air pollution in violation of either of the following:

- (a) Any national ambient air quality standard in any air quality control region.
- (b) Any applicable maximum allowable increase over the baseline concentration in any area.

R 336.2812 Air quality models.

Rule 1812. (1) All applications of air quality modeling involved in R 336.2801 to R 336.2819, R 336.2823, and R 336.2830 shall use the methods specified in R 336.1240.

(2) If an air quality model specified in R 336.1240 is inappropriate, then the model may only be modified or another model substituted with the written approval of the United States environmental protection agency. In addition, use of a modified or substituted model shall be subject to the notice and opportunity for public comment in R 336.2817.

R 336.2813 Air quality analysis.

Rule 1813. (1) Preapplication analysis includes all of the following:

(a) Any application for a permit under this rule shall contain an analysis of ambient air quality in the area that the major stationary source or major modification would affect for each of the following pollutants:

- (i) For the major source, each pollutant that it would have the potential to emit in a significant amount.
- (ii) For the modification, each pollutant for which it would result in a significant net emissions increase.

(b) For a pollutant for which a national ambient air quality standard does not exist, the analysis shall contain air quality monitoring data required by the department to assess ambient air quality for that pollutant in any area that the emissions of that pollutant would affect.

(c) For a pollutant, other than nonmethane hydrocarbons, for which such a standard does exist, the analysis shall contain continuous air quality monitoring data gathered for determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase.

(d) The continuous air monitoring data that is required shall have been gathered over a period of 1 year and shall represent the year preceding receipt of the application, except that, if the department determines that a complete and adequate analysis may be accomplished with monitoring data gathered over a period less than 1 year, but not less than 4 months, the data that is required shall have been gathered over at least that shorter period.

(e) The owner or operator of a proposed major stationary source or major modification of volatile organic compounds who satisfies all conditions of 40 C.F.R. part 51, appendix S, section IV, may provide post-approval monitoring data for ozone instead of providing preconstruction data as otherwise required by this rule. The provisions of 40 C.F.R., part 51, appendix S, section IV, are adopted by reference in R 336.2801a.

(2) For post-construction monitoring, the owner or operator of a major stationary source or major modification shall, after construction of the major stationary source or major modification, conduct such ambient monitoring as the department requires to determine the effect emissions from the major stationary source or major modification may have, or are having, on air quality in any area.

(3) For operation of monitoring stations, the owner or operator of a major stationary source or major modification shall meet the requirements of 40 C.F.R. part 58, appendix B, during the operation of monitoring stations for purposes of satisfying this rule. The provisions of 40 C.F.R., part 58, appendix B, are adopted by reference in R 336.2801a.

R 336.2814 Source information.

Rule 1814. (1) The owner or operator of a proposed major source or major modification shall submit all information necessary to perform an analysis or make a determination required under this rule.

(2) Information shall include all of the following:

(a) A description of the nature, location, design capacity, and typical operating schedule of the major source or major modification, including specifications and drawings showing its design and plant layout.

(b) A detailed schedule for construction of the major source or major modification.

(c) A detailed description as to what system of continuous emission reduction is planned by the major source or major modification, emission estimates, and any other information to determine that best available control technology, as applicable, would be applied.

(3) Upon request of the department, the owner or operator shall provide information on both of the following:

(a) The air quality impact of the major source or major modification, including meteorological and topographical data necessary to estimate impact.

(b) The air quality impacts and the nature and extent of any or all general commercial, residential, industrial, and other growth which has occurred since August 7, 1977, in the area the major source or major modification would affect.

R 336.2815 Additional impact analyses.

Rule 1815. (1) The owner or operator shall provide an analysis of the impairment to visibility, soils, and vegetation that would occur as a result of the major source or major modification and general commercial, residential, industrial, and other growth associated with the major source or major modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

(2) The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the major source or major modification.

R 336.2816 Sources impacting federal class I areas; additional requirements.

Rule 1816. (1) The department shall transmit to the United States environmental protection agency a copy of each permit application relating to a major stationary source or major modification and provide notice to the United States environmental protection agency of every action related to the consideration of the permit.

(2) If the proposed major stationary source or major modification affects a federal class 1 area, the department shall not approve the permit application unless the applicant submits 1 of the following:

(a) A written certification that the applicant has demonstrated to the federal land manager that the emissions from the proposed major source or major modification would have no adverse impact on the air quality related values of class I lands, including visibility, notwithstanding that the change in air quality resulting from emissions from a major source or major modification would cause or contribute to concentrations, which would exceed the maximum allowable increases for a class I area. The department may then, provided that applicable requirements are otherwise met, issue the permit with emission limitations to assure that emissions of sulfur dioxide, particulate matter, and oxides of nitrogen would not exceed the following maximum allowable increases over minor source baseline concentration for the pollutants:

Table 183

Maximum allowable increases over minor source baseline concentrations

Pollutant	Maximum allowable increase (micrograms per cubic meter)
Particulate matter:	
PM-10, annual arithmetic mean	17
PM-10, 24-hour maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	325
Nitrogen dioxide:	
Annual arithmetic mean	25

(b) A written certification that both the governor and the federal land manager have granted a sulfur dioxide variance for the federal class I area.

(c) A written certification that both the governor and the president have granted a sulfur dioxide variance for the federal class I area.

(d) The department will not issue a permit affecting a class I area in which a sulfur dioxide variance was granted under, unless the permit includes emission limitations necessary to assure that emissions of sulfur dioxide from the major source or major modification would not, during any day on which the otherwise applicable maximum allowable increases are exceeded, cause or contribute to concentrations which would exceed the following maximum allowable increases over the baseline concentration and to assure that emissions would not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less for more than 18 days, not necessarily consecutive, during any annual period.

Table 184

Maximum allowable sulfur dioxide increments

Period of exposure	Maximum Allowable Increase (micrograms per cubic meter)	
	Terrain areas	
	Low	High
24-hour maximum	36	62
3-hour maximum	130	221

R 336.2817 Public participation.

Rule 1817. (1) The department shall notify all applicants within a specified time period as to the completeness of the application or any deficiency in the application or information submitted. If there is a deficiency, then the date of receipt of the application shall be the date on which the department received all required information.

(2) Within 120 days after receipt of a technically complete application, the department shall do all of the following:

(a) Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.

(b) Make available in at least 1 location in each region in which the proposed major source would be constructed a copy of all materials the applicant submitted, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination.

(c) Notify the public, by advertisement in a newspaper of general circulation in each region in which the proposed major source would be constructed, of the application, the preliminary determination, the degree of increment consumption that is expected from the major source or major modification, and of the opportunity for comment at a public hearing as well as written public comment.

(d) Send a copy of the notice of public comment to the applicant, to the United States environmental protection agency, and to officials and agencies having cognizance over the location where the proposed construction would occur. The notice shall also be sent to any other state or local air pollution control agencies; the chief executives of the city and county where the major source would be located; any comprehensive regional land use planning agency; and any state, federal land manager, or Indian governing body whose lands may be affected by emissions from the major source or major modification.

(e) Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the major source, alternatives to it, the control technology required, and other appropriate considerations.

(f) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing in making a final decision on the approvability of the application. The department shall make all comments available for public inspection in the same locations where the department made available preconstruction information relating to the proposed major source or major modification.

(g) Make a final determination whether construction should be approved, approved with conditions, or disapproved.

(h) Notify the applicant in writing of the final determination and make the notification available for public inspection at the same location where the department made available preconstruction information and public comments relating to the major source.

R 336.2818 Source obligation.

Rule 1818. (1) Approval to construct shall not relieve an owner or operator of the responsibility to comply fully with applicable provisions of the state implementation plan and any other requirements under local, state, or federal law.

(2) If a particular major source or major modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the major source or major modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of R 336.2810 to R 336.2819 shall apply to the major source or major modification as though construction had not yet commenced on the major source or major modification.

(3) All of the following apply to projects at existing emissions units at a major stationary source, other than projects at a major source with a plantwide applicability limit, where the owner or operator elects to use the method in R 336.2801(II)(ii)(A) to (C) for calculating projected actual emissions.

(a) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of all of the following information:

(i) A description of the project.

(ii) Identification of the emissions unit or units whose emissions of a regulated new major source review pollutant may be affected by the project.

(iii) A description of the applicability test used to determine that the project is not a major modification for any regulated new source review pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under R 336.2801(II)(ii)(C) and an explanation for why such amount was excluded, and any netting calculations, if applicable.

(b) If the emissions unit is an existing electric utility steam generating unit, then before beginning actual construction, the owner or operator shall provide a copy of the information required by subdivision (a) of this subrule to the department. This subdivision does not require the owner or operator of the unit to obtain any determination from the department before beginning actual construction.

(c) The owner or operator shall monitor the emissions of a regulated new source review pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in subdivision (a)(ii) of this subrule; and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity or potential to emit of that regulated new major source review pollutant at the emissions unit.

(d) If the unit is an existing electric utility steam generating unit, then the owner or operator shall submit a report to the department within 60 days after the end of each year during which records are generated under subdivision (c) of this subrule setting out the unit's annual emissions during the calendar year before submission of the report.

(e) If the unit is an existing unit other than an electric utility steam generating unit, then the owner or operator shall submit a report to the department if the annual emissions, in tons per year, from the project exceed the baseline actual emissions by a significant amount for that regulated new source review pollutant, and if such emissions differ from the preconstruction projection. The owner or operator shall submit the report to the department within 60 days after the end of such year. The report shall contain all of the following:

(i) The name, address, and telephone number of the major stationary source.

(ii) The annual emissions as calculated under subdivision (c) of this subrule.

(iii) Any other information that the owner or operator wishes to include in the report; for example, an explanation as to why the emissions differ from the preconstruction projection.

(4) The owner or operator of the major source shall make the information required to be documented and maintained under this rule available for review upon request for inspection by the department or the general public under MCL 324.5516(2).

R 336.2819 Innovative control technology.

Rule 1819. (1) An owner or operator of a proposed major stationary source or major modification may request the department to approve a system of innovative control technology.

(2) The department may, with notice to and advice from each affected state, determine that the major source or major modification may employ a system of innovative control technology, if all of the following occurs:

(a) The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function.

(b) The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required by R 336.2810(2), by a date specified by the department. The date shall not be later than 4 years from the time of startup or 7 years from permit issuance.

(c) The major source or major modification would meet the requirements equivalent to those in R 336.2810 and R 336.2811, based on the emissions rate that the major stationary source employing the system of innovative control technology would be required to meet on the date specified by the department.

(d) The major source or major modification would not do either of the following before the date specified by the department:

(i) Cause or contribute to any violation of an applicable national ambient air quality standard.

(ii) Impact any area where an applicable increment is known to be violated.

(e) All other applicable requirements including those for public participation have been met.

(f) The provisions of R 336.2816, relating to class I areas, have been satisfied with respect to all periods during the life of the major source or major modification.

(3) The department shall withdraw an approval to employ a system of innovative control technology made under this rule, if any of the following occurs:

(a) The proposed system fails by the specified date to achieve the required continuous emissions reduction rate.

(b) The proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare, or safety.

(c) The department decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.

(4) If a major source or major modification fails to meet the required level of continuous emissions reduction within the specified time period, or if the approval is withdrawn under subrule (3) of this rule, then the department may allow the major source or major modification up to an additional 3 years to meet the requirement for the application of best available control technology through use of a demonstrated system of control.

R 336.2823 Actuals plantwide applicability limits (PALs).

Rule 1823. (1) The following definitions apply to the use of actuals PALs consistent with this rule. If a term is not defined in these paragraphs, it shall have the meaning given in R 336.2801 or R 336.1101 to R 336.1127.

(a) “Actuals PAL for a major stationary source” means a PAL based on the baseline actual emissions of all emissions units at the major source that emit or have the potential to emit the PAL pollutant.

(b) “Allowable emissions” means allowable emissions as defined in R 336.2801, except as this definition is modified by the following:

(i) The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

(ii) An emissions unit's potential to emit shall be determined using the definition in R 336.2801, except that the words "or enforceable as a practical matter" should be added after "federally enforceable."

(c) "Small emissions unit" means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant, as defined in R 336.2801 or in the clean air act, whichever is lower.

(d) "Major emissions unit" means either of the following:

(i) Any emissions unit that emits or has the potential to emit 100 tons per year or more of the PAL pollutant in an attainment area.

(ii) Any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the clean air act for nonattainment areas.

(e) "Plantwide applicability limitation" or "PAL" means an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with this rule.

(f) "PAL effective date" means the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(g) "PAL effective period" means the period beginning with the PAL effective date and ending 10 years later.

(h) "PAL major modification" means, notwithstanding the definitions for major modification and net emissions increase, any physical change in or change in the method of operation of the PAL major source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

(i) "PAL permit" means the permit to install issued under R 336.1201(1)(a) or R 336.1214a that establishes a PAL for a major stationary source.

(j) "PAL pollutant" means the pollutant for which a PAL is established at a major stationary source.

(k) "Significant emissions unit" means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level, as defined in R 336.2801 or in the clean air act, whichever is lower, for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit.

(2) The following provisions describe the applicability of other federal regulations to major sources with PALs:

(a) The department may approve the use of an actuals PAL for any existing major stationary source if the PAL meets all of the requirements of this rule. The term "PAL" shall mean "actuals PAL" in this rule.

(b) Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements of this rule, and complies with the PAL permit. If the change complies with the PAL permit, then the following statements apply:

(i) The change is not a major modification for the PAL pollutant.

(ii) The change does not have to otherwise be approved under prevention of significant deterioration of air quality regulations or new source review for major sources in nonattainment areas regulations.

(iii) The change is not subject to R 336.2818(2), restrictions on relaxing enforceable emission limitations that the major stationary source used to avoid applicability of the major new source review program.

(c) Except as provided under subdivision (b)(iii) of this subrule, a major stationary source shall continue to comply with all applicable federal or state requirements, emission limitations, and work practice requirements that were established before the effective date of the PAL.

(3) As part of a permit application requesting a PAL, the owner or operator of a major stationary source shall submit the following information to the department for approval:

(a) A list of all emissions units at the major source designated as small, significant or major based on their potential to emit. In addition, the owner or operator of the major source shall indicate which, if any, federal or state applicable requirements, emission limitations, or work practices apply to each unit.

(b) Calculations of the baseline actual emissions with supporting documentation. Baseline actual emissions shall include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunction.

(c) The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by subrule (13)(a) of this rule.

(4) The following requirements establish PALs:

(a) The department may establish a PAL at a major stationary source, provided that, at a minimum, the following requirements are met:

(i) The PAL shall impose an annual emission limitation in tons per year, that is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL, a 12-month average rolled monthly. For each month during the first 11 months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

(ii) The PAL shall be established in a PAL permit that meets the public participation requirements in subrule (5) of this rule.

(iii) The PAL permit shall comply with subrule (7) of this rule.

(iv) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.

(v) Each PAL shall regulate emissions of only 1 pollutant.

(vi) Each PAL shall have a PAL effective period of 10 years.

(vii) The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in subrules (12) to (14) of this rule for each emissions unit under the PAL through the PAL effective period.

(b) Emissions reductions of a PAL pollutant that occur during the PAL effective period are not creditable as decreases for emissions offsets unless the level of the PAL is reduced by the amount of the emissions reductions and the reductions would be creditable in the absence of the PAL.

(5) PALs for existing major stationary sources shall be established, renewed, or increased, through a permit to install issued under R 336.1201(1)(a). The department shall provide the public with notice of the proposed approval of a PAL permit and at least a 30-day period for submittal of public comment. The department shall address all material comments before taking final action on the permit.

(6) The following apply to setting the 10-year actuals PAL level:

(a) Except as provided in subdivision (b) of this subrule, the actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions of the PAL pollutant for each emissions unit at the major source; plus an amount equal to the applicable significant level for the PAL pollutant as defined in R 336.2801 or the clean air act, whichever is lower. When establishing the actuals PAL level, for a PAL pollutant, only 1 consecutive 24-month period shall be used to determine

the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period shall be subtracted from the PAL level. The department shall specify a reduced PAL level, in tons per year, in the PAL permit to become effective on the future compliance dates of any applicable federal or state regulatory requirement before issuance of the PAL permit. For example, if the major source owner or operator will be required to reduce emissions from industrial boilers in half from baseline emissions of 60 parts per million oxides of nitrogen to a new rule limit of 30 parts per million, then the permit shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of the units.

(b) For newly constructed units, which do not include modifications to existing units, on which actual construction began after the 24-month period, instead of adding the baseline actual emissions as specified in subdivision (a) of this subrule, the emissions shall be added to the PAL level in an amount equal to the potential to emit of the units.

(7) The PAL permit shall contain, at a minimum, all of the following information:

(a) The PAL pollutant and the applicable source-wide emission limitation in tons per year.

(b) The PAL permit effective date and the expiration date of the PAL (PAL effective period).

(c) Specification in the PAL permit that if a major stationary source owner or operator applies to renew a PAL under subrule (10) of this rule before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PAL permit is issued by the department.

(d) A requirement that emission calculations for compliance purposes include emissions from startups, shutdowns, and malfunctions.

(e) A requirement that, once the PAL expires, the major stationary source is subject to subrule (9) of this rule.

(f) The calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by subrule (3)(a) of this rule.

(g) A requirement that the major stationary source owner or operator monitor all emissions units in accordance with the provisions under subrule (13) of this rule.

(h) A requirement to retain the records required under subrule (13) of this rule on site. The records may be retained in an electronic format.

(i) A requirement to submit the reports required under subrule (14) of this rule by the required deadlines.

(j) Any other requirements that the department determines necessary to implement and enforce the PAL.

(8) All of the following apply to the PAL effective period and reopening of the PAL permit:

(a) The department shall specify a PAL effective period of 10 years.

(b) All of the following apply to reopening of the PAL permit.

(i) During the PAL effective period, the department shall reopen the PAL permit to do any of the following:

(A) Correct typographical and calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL.

(B) Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets under new source review for major sources in nonattainment areas regulations.

(C) Revise the PAL to reflect an increase in the PAL as provided under subrule (11) of this rule.

(ii) The department may reopen the PAL permit to accomplish any of the following:

(A) Reduce the PAL to reflect newly applicable federal requirements with compliance dates after the PAL effective date.

(B) Reduce the PAL consistent with any other requirement that is enforceable as a practical matter and that the state may impose on the major stationary source under the state implementation plan.

(C) Reduce the PAL if the department determines that a reduction is necessary to avoid causing or contributing to a national ambient air quality standard or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a federal class I area by a federal land manager and for which information is available to the general public.

(iii) Except for a permit reopening for the correction of typographical and calculation errors that do not increase the PAL level, all reopenings shall be carried out in accordance with the public participation requirements of subrule (5) of this rule.

(9) Any PAL that is not renewed in accordance with subrule (10) of this rule shall expire at the end of the PAL effective period, and the following requirements shall apply:

(a) Each emissions unit, or each group of emissions units, that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to both of the following:

(i) Within the time frame specified for PAL renewals in subrule (10)(b) of this rule, the major stationary source shall submit a proposed allowable emission limitation for each emissions unit, or each group of emissions units, if such a distribution is more appropriate as determined by the department, by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under subrule (10)(e) of this rule, the distribution shall be made as if the PAL had been adjusted.

(ii) The department shall determine whether and how the PAL allowable emissions shall be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the department determines is appropriate.

(b) Each emissions unit shall comply with the allowable emission limitation on a 12-month rolling basis. The department may approve the use of monitoring systems, such as source testing and emission factors, other than CEMS, CERMS, PEMS or CPMS to demonstrate compliance with the allowable emission limitation.

(c) Until the department issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under subrule (9)(a)(ii) of this rule, the major source shall continue to comply with a source-wide, multiunit emissions cap equivalent to the level of the PAL emission limitation.

(d) Any physical change or change in the method of operation at the major stationary source shall be subject to major new source review requirements if such change meets the definition of major modification in R 336.2801.

(e) The major stationary source owner or operator shall continue to comply with any state or federal applicable requirements that may have applied either during the PAL effective period or before the PAL effective period, except for those emission limitations that had been established under R 336.2818(2), but were eliminated by the PAL under subrule (2)(b)(iii) of this rule.

(10) All of the following apply to renewal of a PAL:

(a) The department shall comply with subrule (5) of this rule in approving any request to renew a PAL for a major stationary source and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During public review, any person may propose a PAL level for the major source for consideration by the department.

(b) A major stationary source owner or operator shall submit a timely application to the department to request renewal of a PAL. A timely application is one that is submitted at least 6 months before, but not

earlier than 18 months from, the date of permit expiration. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.

(c) The application to renew a PAL permit shall contain all of the following information:

(i) The information required in subrule (3)(a) to (c) of this rule.

(ii) A proposed PAL level.

(iii) The sum of the potential to emit of all emissions units under the PAL, with supporting documentation.

(iv) Any other information the owner or operator requests the department to consider in determining the appropriate level for renewing the PAL.

(d) In determining whether and how to adjust the PAL, the department shall consider the following:

(i) If the emissions level calculated in accordance with subrule (6) of this rule is equal to or greater than 80% of the PAL level, the department may renew the PAL at the same level without considering the factors in subrule (10)(d)(ii) of this rule.

(ii) The department may set the PAL at a level that it determines to be more representative of the major source's baseline actual emissions, or that it determines to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the major source's voluntary emissions reductions, or other factors as specifically identified by the department in its written rationale.

(iii) Notwithstanding subrule (10)(d)(i) and (ii) of this rule, both of the following shall apply:

(A) If the potential to emit of the major stationary source is less than the PAL, then the department shall adjust the PAL to a level not greater than the potential to emit of the major source.

(B) The department shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with subrule (11) of this rule.

(e) If the compliance date for a state or federal requirement that applies to the PAL major source occurs during the PAL effective period, and if the department has not already adjusted for the requirement, then the PAL shall be adjusted at the time of PAL permit renewal or renewable operating permit renewal, whichever occurs first.

(11) The following shall apply to increasing a PAL during the PAL effective period:

(a) The department may increase a PAL emission limitation only if the major stationary source complies with the following provisions:

(i) The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. The application shall identify the emissions units contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.

(ii) As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified emissions units, exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.

(iii) The owner or operator obtains a major new source review permit for all emissions units identified in subrule (11)(a)(i) of this rule, regardless of the magnitude of the emissions increase resulting from

them, that is, no significant levels apply. These emissions units shall comply with any emissions requirements resulting from the major new source review process, even though they have also become subject to the PAL or continue to be subject to the PAL.

(iv) The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(b) The department shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units, assuming application of BACT equivalent controls as determined under subdivision (a)(ii) of this subrule, plus the sum of the baseline actual emissions of the small emissions units.

(c) The PAL permit shall be revised to reflect the increased PAL level under the public notice requirements of subrule (5) of this rule.

(12) The following are monitoring requirements for PALs:

(a) All of the following general provisions are required:

(i) Each PAL permit shall contain enforceable requirements for the monitoring system that accurately determine plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit shall be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by the system shall meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

(ii) The PAL monitoring system shall employ 1 or more of the 4 general monitoring approaches in subdivision (b) of this subrule and shall be approved by the department.

(iii) Notwithstanding paragraph (ii) of this subdivision, the PAL may also employ an alternative monitoring approach that meets paragraph (i) of this subdivision if approved by the department.

(iv) Failure to use a monitoring system that meets the requirements of this rule renders the PAL invalid.

(b) The following are acceptable general monitoring approaches when conducted in accordance with subdivisions (c) to (i) of this subrule:

(i) Mass balance calculations for activities using coatings or solvents.

(ii) CEMS.

(iii) CPMS or PEMS.

(iv) Emission factors.

(c) An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet all of the following requirements:

(i) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit.

(ii) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process.

(iii) Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, then the owner or operator shall use the highest value of the range to calculate the PAL pollutant emissions unless the department determines there is site-specific data or a site-specific monitoring program to support another content within the range.

(d) An owner or operator using CEMS to monitor PAL pollutant emissions shall meet both of the following requirements:

(i) CEMS shall comply with applicable performance specifications found in 40 C.F.R. part 60, appendix B, adopted by reference in R 336.2801a.

(ii) CEMS shall sample, analyze, and record data at least every 15 minutes while the emissions unit is operating.

(e) An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet both of the following requirements:

(i) The CPMS or the PEMS shall be based on current site-specific data demonstrating a correlation between the monitored parameters and the PAL pollutant emissions across the range of operation of the emissions unit.

(ii) Each CPMS or PEMS shall sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the department, while the emissions unit is operating.

(f) An owner or operator using emission factors to monitor PAL pollutant emissions shall meet all of the following requirements:

(i) All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development.

(ii) The emissions unit shall operate within the designated range of use for the emission factor, if applicable.

(iii) If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within 6 months of PAL permit issuance, unless the department determines that testing is not required.

(g) A major source owner or operator shall record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the PAL permit.

(h) Notwithstanding the requirements in subdivisions (c) to (g) of this subrule, if an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameters and the PAL pollutant emissions rate at all operating points of the emissions unit, then the department shall do either of the following at the time of permit issuance:

(i) Establish default values for determining compliance with the PAL based on the highest potential emissions reasonably estimated at each unmonitored operating point.

(ii) Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameters and the PAL pollutant emissions is a violation of the PAL.

(i) All data used to establish the PAL pollutant shall be revalidated through performance testing or other scientifically valid means approved by the department. Testing shall occur at least once every 5 years after issuance of the PAL.

(13) The PAL permit shall require the following recordkeeping requirements:

(a) Require an owner or operator to retain a copy of all records necessary to determine compliance with this rule and the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for 5 years from the date of such record.

(b) Require an owner or operator to retain a copy of all of the following records, for the duration of the PAL effective period plus 5 years:

(i) A copy of the PAL permit application and any applications for revisions to the PAL.

(ii) Each annual certification of compliance under the renewable operating permit and the data relied on in certifying compliance.

(14) The owner or operator shall submit semiannual monitoring reports and prompt deviation reports to the department in accordance with the applicable renewable operating permit program. The reports shall meet the following requirements:

(a) The semiannual report shall be submitted to the department concurrently with the semiannual report required by the renewable operating permit for the stationary source. The report shall contain all of the following information:

- (i) The identification of owner and operator and the permit number.
- (ii) Total annual emissions in tons per year based on a 12-month rolling total for each month in the reporting period recorded under subrule (13)(a) of this rule.
- (iii) All data relied upon, including, but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions.
- (iv) A list of emissions units modified or added to the major stationary source during the preceding 6-month period.
- (v) The number, duration, and cause of deviations or monitoring malfunctions, other than the time associated with zero and span calibration checks, and any corrective action taken.
- (vi) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by subrule (12)(g) of this rule.
- (vii) A signed statement by the responsible official, as defined by the applicable renewable operating permit program, certifying the truth, accuracy, and completeness of the information provided in the report.

(b) The major stationary source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL requirements, including periods where monitoring is not available. A report submitted under R 336.1213(3)(c) shall satisfy the reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the major source's renewable operating permit. The reports shall contain all of the following information:

- (i) The identification of owner and operator and the permit number.
- (ii) The PAL requirement that experienced the deviation or that was exceeded.
- (iii) Emissions resulting from the deviation or the exceedance.
- (iv) A signed statement by the responsible official, as defined by the renewable operating permit, certifying the truth, accuracy, and completeness of the information provided in the report.

(c) The owner or operator shall submit to the department the results of any revalidation test or method within 3 months after completion of the test or method.

(15) The owner or operator of a facility complying with an actuals PAL may install a new emissions unit without first obtaining a permit to install under R 336.1201, if the following requirements are met:

(a) The new emissions unit will not cause a meaningful change in the nature or quantity of toxic air contaminants emitted from the major stationary source, unless the new emissions unit is otherwise exempt under R 336.1278 to R 336.1290. In determining whether the new emissions unit will cause a meaningful change in the nature or quantity of toxic air contaminants, the following shall apply:

(i) The owner or operator shall demonstrate to the department that a meaningful change in the nature or quantity of toxic air contaminants has not occurred. The owner or operator may devise its own method to perform this demonstration subject to approval by the department. However, if the applicant demonstrates that all toxic air contaminant emissions from a new emissions unit are within the levels specified in R 336.1226 or R 336.1227, then a meaningful change in toxic air contaminants has not occurred.

(ii) If, using the methods described in paragraph (i) of this subdivision, the owner or operator determines that the installation of new emission units will cause a meaningful change in the nature or quantity of toxic air contaminant emissions, then the owner or operator shall obtain a state-only enforceable permit to install under R 336.1201(1)(b).

(iii) A copy of the demonstration required by paragraph (i) of this subdivision shall be kept on site for the life of the new emissions unit and made available to the department upon request.

(b) The new emissions unit will not emit a regulated new source review pollutant that is not subject to a PAL, unless the new emissions unit is eligible for an exemption listed in R 336.1201 to R 336.1290.

(c) The new emissions unit will not be a newly constructed or reconstructed major source of hazardous air pollutants.

(d) The installation of the new emissions unit will not cause the violation of any other applicable requirement.

(e) The owner or operator shall notify the department of the installation of a new emissions unit using the procedure specified in R 336.1215(3)(c).

R 336.2830 Administrative hearings.

Rule 1830. A person aggrieved by an action or inaction of the department under prevention of significant deterioration of air quality regulations may request a formal hearing, under 1969 PA 306, MCL 24.201. The following apply:

(a) The request shall be received by the department within 30 days after the person received notice of the decision to approve or deny the permit.

(b) The final decision in granting a contested case hearing lies with the department. To receive a contested case hearing, a person shall demonstrate 1 of the following:

(i) The person is the permit applicant.

(ii) The person participated in the permit review process, either by submitting written comments during the 30-day public notice period or by attending the public hearing and making comments for the official record, and the comments were not adequately addressed by the department in the permit review process.

(iii) The terms or conditions of the permit for which the person requests a hearing were added by the department after the 30-day notice period expired, and no additional opportunity for public input was offered by the department.

(c) When the department issues a permit pursuant to the requirements of the prevention of significant deterioration of air quality regulations or new source review for major sources in nonattainment areas regulations, the permit is valid upon issuance and it is not automatically stayed if a person requests a formal hearing pursuant to this rule. A permittee may immediately initiate construction after permit issuance. However, the permittee faces the risk that a subsequent hearing may alter the terms or conditions of the permit.

ADMINISTRATIVE RULES

SOAHR 2005-010

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

PUBLIC SERVICE COMMISSION

GAS SAFETY

Filed with the Secretary of State on December 13, 2006

This rule becomes effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the public service commission by section 2 of 1969 PA 165, MCL 483.152)

April 13, 2006

R 460.20606 of the Michigan Administrative Code is amended as follows:

R 460.20606 Pipeline and hazardous materials safety administration standards; adoption by reference. Rule 606. (1) The following pipeline and hazardous materials safety administration standard is adopted by reference in these rules and may be ordered from the Government Publishing Office via the internet at bookstore.gpo.gov at a cost at the time of adoption of these rules at the price listed. The standard is also available for public inspection and distribution at the price listed from the Michigan Public Service Commission, 6545 Mercantile Way, Lansing, Michigan 48909-7721:

49 C.F.R. part 40 entitled “Procedures for Transportation Workplace Drug and Alcohol Testing Programs,” (2004 edition), at a cost as of the time of adoption of these rules of \$60.00.

(2) The following pipeline and hazardous materials safety administration standards are adopted by reference in these rules and may be ordered from the Government Publishing Office via the internet at bookstore.gpo.gov at a cost at the time of adoption of these rules of \$23.00 for a single volume that contains all of the standards. The standards are also available for public inspection and distribution at the price listed from the Michigan Public Service Commission, 6545 Mercantile Way, Lansing, Michigan 48909-7721:

(a) 49 C.F.R. part 191 entitled “Transportation of Natural and Other Gas by Pipeline: Annual Reports, Incident Reports, and Safety-related Condition Reports,” (2005 edition).

(b) 49 C.F.R. part 192 entitled “Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards,” (2005 edition).

(c) 49 C.F.R. part 199 entitled “Drug and Alcohol Testing,” (2005 edition).

ADMINISTRATIVE RULES

SOAHR 2005-071

DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL SCIENCE AND SERVICES DIVISION

ENVIRONMENTAL LABORATORY RECOGNITION PROGRAM

Filed with the Secretary of State on December 11, 2006

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By Authority conferred on the director of the department of environmental quality by section 20515 of 1994 PA 451, MCL 324.20515)

Draft August 4, 2006

R 324.1401, R 324.1402, R 324.1403, R 324.1404, R 324.1405, R 324.1406, R 324.1407, R 324.1408, R 324.1409, R 324.1410, R 324.1411, R 324.1412, R 324.1413, R 324.1414, R 324.1415, R 324.1416, R 324.1417, R 324.1418, R 324.1419, R 324.1420, R 324.1421 and R 324.1422 are added to the Michigan Administrative Code as follows:

R 324.1401 Definitions.

Rule 1401. Unless the context requires a different meaning, the words defined in these rules have the following definitions:

- (a) “Act” means 2004 PA 229, MCL 324.20501.
- (b) “ID” means identification.
- (c) “IDOC” means initial demonstration of capability.
- (d) “LRP” means laboratory recognition program.
- (e) “MDL” means method detection limit.
- (f) “MS” means matrix spike.
- (g) “NIST” means national institute of science and technology.
- (h) “Parameter” means a specific analyte in a defined matrix or program that is analyzed using a published test method.
- (i) “PTS” means proficiency test studies.
- (j) “QAM” means quality assurance manual.
- (k) “QCS” means quality control standard.
- (l) “Qualification” means an informative statement associated with a report or analytical data that informs the reader that a discrepancy or a particular event has taken place.
- (m) “RL” means reporting limit.
- (n) “RSD” means relative standard deviation.
- (o) “SOP” means standard operating procedure.

- (p) “Support equipment” means equipment used to support an analytical procedure that is traceable.
- (q) “TDS” means total dissolved solids.
- (r) “Traceable” means documentation that provides for a clear and direct pathway to an organization that validates the accuracy of measurements. These organizations include the national institute of science and technology, international system of measurement or other accredited body considered acceptable to the department.

R 324.1402 Pre-application requirements.

Rule 1402. (1) The laboratory shall be commercial with the intent of generating analytical data for submission to the department for compliance purposes under the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101, or other analytes specified in department contracts, work orders, operational memos or permits.

(2) Only specified methodologies shall be recognized by the LRP. The department maintains an informational list of methods and analytes that may be recognized under the LRP. A copy of this list shall be furnished upon request.

R 324.1403 Application and Application Process.

Rule 1403. (1) An applicant for recognition shall submit to the LRP a completed application, the required supporting documentation, and specified fees on forms prepared and furnished by the LRP. An application package may be requested from the LRP by phone, e-mail, or written request. The following applies to the application package:

(a) Each form in the application package shall be completed in its entirety, including all of the following:

- (i) Fee invoice form with check or money order for the specified amount.
- (ii) General laboratory application form documenting general information about the laboratory including, but not limited to, personnel, facilities, location, capacity, and equipment.
- (iii) Identification of methodology form documenting all program/method/analyte combinations that the laboratory is applying for recognition.
- (iv) Attestation form documenting the attestation by a responsible person representing the laboratory stating that the application and supporting documentation submitted is true, accurate, and complete. Falsification of the application or supporting documentation submitted to the LRP is grounds for the denial or the termination of recognition and the forfeiture of fees already paid.
- (v) Quality systems checklist form verifying that the laboratory’s quality systems contain all of the critical policies and procedures for certification and the location in the laboratory’s documentation.

(b) Required supporting documentation to be submitted with the initial application, including the following:

- (i) QAM as required in R 324.1411(d).
- (ii) Internal audit summary report as required in R 324.1405(6).
- (iii) PTS results as required in R 324.1406.
- (iv) An index of the laboratory’s SOPs including the date of issue, revision number, identification number, and title. The LRP reserves the right to request copies of the laboratory’s SOPs.
- (v) A summary of the laboratory’s IDOC and MDL data for all analytes specified on the identification of methodology form. The LRP reserves the right to request a copy of all IDOC and MDL raw data.

(2) For a laboratory application package to be reviewed, it shall be complete, received with the proper fees, and include the required supporting documentation.

(3) Applications shall be reviewed and processed in the order that they are received.

(4) If the application package is reviewed and approved, then the laboratory may be contacted to schedule an on-site inspection.

(5) Application packages not complying with subdivision (1)(a) of this rule or not containing the required supporting documentation specified in subdivision (1)(b) of this rule shall be issued a deficiency report that outlines the deficiencies in the laboratory's application package. The laboratory shall correct all application and compliance deficiencies and resubmit the application package to the LRP within 45 days of the deficiency notification.

(6) Failure to comply with subrule (5) of this rule is grounds for denial of the application and forfeiture of application fees already paid.

R 324.1404 Fees.

Rule 1404. (1) The laboratory shall pay an initial fee of \$750.00 with the submittal of the initial application package.

(2) The laboratory shall pay a fee of \$500.00 with the submittal of the application package for recognition renewal. The application package for renewal shall be postmarked not later than 90 days before the laboratory's recognition expiration date.

(3) The laboratory shall submit a fee of \$500.00 for the LRP to process a midterm addition of analyte(s) to a laboratory's list of recognized parameters. The laboratory shall contact the LRP in advance for the list of materials required to support the addition of parameters. The recognition period for the additional parameters shall coincide with the existing recognition period.

R 324.1405 Internal audit requirements.

Rule 1405. (1) An internal audit shall be completed by the laboratory before application is made for recognition and not less than once per 12-month period thereafter.

(2) The internal audit shall be conducted by personnel not involved in the direct production of analytical results when possible. This person shall be free of managerial influence and pressures that might bias the results of the internal audit.

(3) The laboratory shall have written procedures on how to conduct and document an internal audit. The procedures shall cover the review of the quality systems including the QAM and the laboratory's SOPs.

(4) The internal audit shall compare the correctness of the laboratory's defined procedures versus the applicable regulations and methodologies. In addition, the internal audit shall verify that the laboratory is following its written procedures.

(5) The laboratory shall clearly document all deviations identified during the internal audit process.

(6) The laboratory shall write an internal audit report with a corrective action plan for all deviations and deficiencies documented by the internal audit process. The corrective action plan shall define the steps necessary to meet the minimal requirements of the applicable regulations or methodologies and the date that the corrective actions shall be completed.

R 324.1406 PTS requirements.

Rule 1406. (1) The laboratory shall conduct a PTS using a provider acceptable to the department.

(2) The scope of the PTS shall include an evaluation of each LRP parameter for which a laboratory applies or maintains recognition.

(3) For initial recognition and to remain in compliance, the laboratory shall maintain not less than 1 acceptable result for each parameter analyzed for the LRP within a rolling 12-month period.

(4) The laboratory shall submit or have submitted by the provider to the LRP results for all PTS run by the laboratory for its recognized parameters. The department may request results to be sent directly from the provider.

(5) The laboratory shall evaluate all PTS analytes in the same manner, frequency, and technique, as environmental samples.

(6) The laboratory shall not send any PTS to other laboratories. The laboratory may not provide or accept any PTS results before the closing date of the study.

(7) For each “not acceptable” result in a PTS, the laboratory shall review the cause of the unacceptable result and document all findings and corrective actions.

R 324.1407 Laboratory Reporting Criteria.

Rule 1407. (1) Test reports that are governed by contracts let by the department shall clearly indicate all non-recognized parameters, if recognition is available under the LRP.

(2) Results reported to the department that are recognized by the LRP shall meet the requirements in R 324.1406 to R 324.1422 or shall be clearly qualified to the nature of the deficiency. Qualification of data is required for, but not limited to, the following items:

(a) Deviations in the sampling procedures or the condition of the sample upon receipt.

(b) Holding time exceedence.

(c) Reported results that are not bracketed by the calibration standards.

(d) Results associated with quality control failures with the sample or the sample batch.

(3) Each report issued by the laboratory shall contain the following:

(a) The name and recognition ID number of the laboratory.

(b) Contact information and an address for the laboratory.

(c) A unique identification of the sample report.

(d) The methods that were used for analysis.

(e) Clear indication of the results obtained, including the units of measure and the RL.

(f) Identification of the sampling point.

(g) Identification of the sampler or the sampling organization.

(h) The date and time of sampling.

(i) Date and time of receipt by the laboratory.

(j) Date and time of analysis.

(k) The ID of the person or persons performing the analysis.

(l) The signature of the person responsible for the quality of the results.

(4) The laboratory shall submit final reports to the department in a format acceptable to the department or the end data user.

(5) Reports issued by a laboratory for work governed by a formal contract shall meet the contractual requirements.

(6) The laboratory shall provide qualification to all amended reports. The qualification shall contain all of the following information:

(a) Reason for the amendment.

(b) Date the first report was issued.

(c) ID number of the original report.

(d) Clear identification of all amended data.

R 324.1408 Laboratory Inspections.

Rule 1408. (1) Laboratories recognized by the program may be inspected during normal business hours with or without prior notice.

(2) A full or partial inspection may be conducted for the following circumstances including, but not limited to the following:

(a) Initial recognition.

(b) Renewal of recognition.

(c) Addition of recognized parameters.

(d) Customer or data user complaints.

- (e) Data discrepancies.
- (f) Award of a state contract.
- (3) A laboratory inspection may be judged unacceptable if a noncompliance in R 324.1409 is discovered during the laboratory inspection. An unacceptable laboratory inspection is grounds for the denial or the termination of recognition and the forfeiture of fees already paid.
- (4) After the acceptable completion of an inspection, the LRP shall issue an inspection report listing the laboratory deficiencies that require corrective action.
- (5) The laboratory shall submit an acceptable corrective action plan for the deficiencies noted in the inspection report.
- (6) The laboratory corrective action plan shall contain the steps necessary for the laboratory to meet the minimum requirements of the regulations and give the date of completion for each item.

R 324.1409 Criteria for maintaining status in the program.

Rule 1409. Failure to comply with subdivisions (a) to (k) of this rule is grounds for the denial or the termination of recognition and the forfeiture of fees already paid. To maintain an acceptable status in the program the laboratory shall do the following:

- (a) Notify the LRP in writing, for all parameters that fail to meet the minimum requirements of the program during the recognition period.
- (b) Notify the LRP in writing of the following changes in personnel:
 - (i) Laboratory supervisors.
 - (ii) Principal analysts.
 - (iii) Laboratory contact.
 - (iv) Responsible person of record.
 - (v) Laboratory owner or ownership.
- (c) Meet or exceed the PTS requirements in R 324.1406. For each parameter not meeting these requirements the laboratory shall provide notification as specified in subdivision (a) of this rule.
- (d) Perform MDL studies as required in R 324.1421(2).
- (e) Review and update SOPs as required in R 324.1416 (3) (c).
- (f) Not falsify any laboratory records or reported data.
- (g) Not withhold data or reports without proper cause.
- (h) Avoid conflicts of interest.
- (i) Allow the LRP access to all laboratory facilities and records.
- (j) Report results as required in R 324.1407 (3).
- (k) Implement and maintain corrective actions detailed in the corrective action plan submitted by the laboratory to the LRP.

Rule 324.1410 LRP posting of laboratories.

Rule 1410. Recognized laboratories shall be posted to the department's web site, with the following information:

- (a) Laboratory name.
- (b) Laboratory address.
- (c) Contact information.
- (d) Scope of recognition.
- (e) Date recognition status is granted.
- (f) Date recognition status expires.

R 324.1411 Quality Systems.

Rule 1411. The laboratory shall have in place before initial application is made and during the recognition period, a quality system that documents the laboratory activities necessary to produce quality data. The laboratory's quality system shall document the following:

(a) The staffing requirements for the laboratory. At a minimum these records shall include the following:

(i) A job description for each laboratory position that includes the training, experience, and the education necessary to perform the position functions. The education requirements are as follows:

(A) The laboratory director shall have a college degree in the sciences.

(B) Analysts should have a college degree in the sciences.

(C) Technicians shall have a high school diploma.

(D) Laboratory employees not meeting the criterion in subparagraph (A) to (C) of this paragraph shall have documented analytical training and experience pertinent to their job function.

(ii) Experience and training documentation commensurate with the employee's position.

(iii) Ethic and data integrity training commensurate with the employee's position.

(iv) The staff necessary to adequately perform job duties without undue pressure.

(b) A building adequate for laboratory use. The building's interior and facilities shall have the following:

(i) Bench area for conducting analysis.

(ii) Sufficient lighting.

(iii) Climate control to maintain a suitable environment for analytical testing.

(iv) Fume hood space with adequate ventilation.

(v) A separation of areas of incapability, including the regulation of air flow to prevent contamination of adjoining areas.

(vi) Security and/or custody procedures to maintain the integrity of samples.

(vii) Facilities and procedures for the proper storage and disposal of chemical wastes.

(c) The equipment and supplies necessary to perform the recognized tests on-site. The laboratory shall maintain analytical instruments and major pieces of equipment in good working order and maintain documentation for the following:

(i) Service contracts with outside vendors that include provisions for preventative maintenance visits. Preventative maintenance shall be performed not less than 1 time per 12-month period for each analytical instrument.

(ii) Internal maintenance protocols, when used in conjunction with, or as an alternative to paragraph (i) of this subdivision. Internal maintenance protocols shall include the following:

(A) A list of preventive maintenance to be performed that include all procedures prescribed in the manufacturer's owner or service manual.

(B) A schedule for preventive maintenance procedures.

(C) A reference to where specific maintenance procedures are located.

(iii) Preventive maintenance performed that includes routine cleanings, replacement of consumable parts, method and manufacturer prescribed performance checks, and other procedures referenced in the manufacturer's owner or service manual.

(iv) Non-routine maintenance performed in response to instrument breakdown or poor analytical performance.

(d) A QAM that documents or references the location of the policies and procedures necessary to comply with R 324.1412 to R 324.1422. The QAM shall contain all of the following:

(i) A title page with all of the following:

(A) The title of the document.

(B) The name, address, and phone number of the laboratory.

(C) The revision number.

- (D) The date of issue and the effective date.
- (E) The signature of approval from a responsible laboratory person.
- (ii) A table of contents that identifies where items are contained in the QAM by section or page number.
- (iii) A statement by upper management of the laboratory's commitment to quality.
- (iv) An organizational chart that shows the organizational relationship of all staff and lines of authority.
- (v) An identification of the responsible person or persons of record. This person or persons shall sign all test reports issued.
- (vi) An identification of the laboratory contact person. This person shall be high-ranking on the organizational chart in either management or quality assurance.
- (vii) A signature and initial record for all employees including the following:
 - (A) The employee's title or position.
 - (B) The date of the signature.
- (viii) Policies for avoidance of conflicts of interest.
- (ix) Policies on resolving customer complaints that include the following:
 - (A) What constitutes a customer complaint.
 - (B) How customer complaints and resolutions are documented.

R 324.1412 Subcontracting.

Rule 1412. (1) Laboratories shall notify the LRP in advance and receive approval before subcontracting to any laboratory that does not have recognition status for the analysis to be subcontracted. Documentation of this notification and approval shall be maintained by the laboratory.

(2) The laboratory that issues the report to the department shall verify that all reporting requirements in R 324.1407 are met, including both of the following:

- (a) Documenting the recognition status of each parameter reported for the primary and all subcontract laboratories.
- (b) Labeling reported results with the analyzing laboratory's recognition ID number.

R 324.1413 Reference Materials.

Rule 1413. Reference materials, standards, and reagents used by the laboratory shall satisfy all of the following requirements:

- (a) Traceable records shall be maintained, including all certificates of accuracy.
- (b) Be dated and initialed upon receipt and opening.
- (c) Meet or exceed methodology defined quality.
- (d) Have a manufacturer or laboratory assigned expiration date. Standard and reagent holding times shall not exceed those specified in the reference methodology. If not specified by the reference methodology, then the following apply:
 - (i) Liquid standards or reagents shall have a maximum expiration date of 1 year from the opening date.
 - (ii) Standard or reagents shall have a maximum expiration date of 1 year from the date of preparation, not to exceed the expiration date of the parent material.
 - (iii) Neat compounds shall be replaced if a problem with quality is identified or upon the manufacturer's expiration date.
- (e) Be analytical grade quality or equivalent.
- (f) Have preparation records for all standards and reagents used for analytical testing that include all of the following:
 - (i) The date of preparation.
 - (ii) The analyst's initials.
 - (iii) The lot number of reagents used.
 - (iv) The amount of all reagents used.

- (v) The volume of the solution made.
- (vi) The final concentration.
- (vii) The expiration date.
- (g) Be prepared in glassware or other vessels that are suitable for laboratory use. Vessels used for the preparation of standards and reagents shall have both of the following:
 - (i) Documented washing procedures that meet the requirements of the method.
 - (ii) Storage procedures for the prevention of contamination.
- (h) Be prepared with reagent grade water that meets the requirements of the test method.

R 324.1414 Support Equipment.

Rule 1414. (1) Balance calibration verification weights shall be traceable and meet the accuracy requirements for the applications for which the balance is used. In addition, the weights shall be replaced or cleaned and recertified if there is evidence of damage or corrosion, or not less than every 5 years.

(2) Laboratories shall verify the calibration of each balance used for analytical purposes on a monthly basis. The calibration verification shall be documented and use not less than 3 weights that bracket the balance use range.

(3) Thermometers shall be incremented to meet the application's accuracy requirements. Thermometers shall not be used if there is separation in the liquid or evidence of damage. Thermometers shall be the following:

(a) Calibrated with a traceable thermometer on an annual basis at the point-of-use temperature or over the thermometer's use range. The calibration records shall document all of the following:

- (i) The date of calibration.
- (ii) The analyst initials.
- (iii) The serial number of the reference and laboratory thermometer.
- (iv) The temperature reading of the reference and laboratory thermometer.
- (v) The correction factor for the reference thermometer.
- (vi) The correction factor for the laboratory thermometer.

(b) Labeled with the date, the correction factor and the initials of the analyst. For applications where a thermometer tag is not ideal, the thermometer correction factor may be posted on the piece of equipment that requires temperature monitoring. Correction factors shall also be documented in the log where temperatures are recorded.

(4) All volumetric measuring devices used in critical applications, for example, standard and reagent preparation and sample measurement, except "Class A" glassware, shall be verified before initial use to be accurate within 2.5%. Results shall be documented.

(5) Mechanical measuring devices used in critical applications, for example, standard and reagent preparation and sample measurement, shall be verified to be within 2.5% on a monthly basis. Results shall be documented.

(6) The laboratory shall use standards from an external source to verify spectrophotometer wavelengths on an annual basis. These checks shall verify the wavelengths of use or cover the use range.

R 324.1415 Traceability of results.

Rule 1415. All sample results shall be linked to the individual instrumental run and analytical batch as applicable. Analytical batches shall provide traceability for the following:

- (a) The standards used.
- (b) The date of calibration.
- (c) Instrument calibration date and acceptability documentation.
- (d) Date and time of each analytical run.

(e) The preparation batch if applicable.

R 324.1416 Records and document control.

Rule 1416. (1) The laboratory shall have documented procedures for record retention and maintenance, including the following:

- (a) Requirements that all handwritten and printed records are recorded in permanent ink.
- (b) Requirements that any change to handwritten or printed data consists of a single line strikethrough that does not obliterate the original data. The person making the change shall date and initial the correction. Similar techniques shall be applied to electronic data.
- (c) Requirements for the length of retention. The retention time shall meet all contractual requirements and not be less than 5 years in length.
- (d) Identification of records necessary to recreate reports and maintain traceability of results. These shall include, but are not limited to, the following:
 - (i) Raw data.
 - (ii) Calibration records.
 - (iii) Hand calculations.
 - (iv) Processed data.
 - (v) A printout or electronic copy of final reports issued.
 - (vi) Standard and reagent certificates of accuracy.
 - (vii) Preparation records for standards and reagents.
 - (viii) Maintenance records.
 - (ix) Chain of custodies or sample login information form.
- (e) Storage and maintenance procedures that include provisions for the protection of records including the following:
 - (i) Backup protocol for electronic data.
 - (ii) Procedures for the avoidance of damage, deterioration, and theft.
- (2) Procedural documents used by the laboratory shall have the following:
 - (a) A unique identification.
 - (b) Defined procedures to control the implementation and decommissioning of documents.
 - (c) A procedure to store not less than 1 copy of each laboratory document revision issued.
- (3) The laboratory shall have documented SOPs for all method and critical laboratory applications. All of the following apply:
 - (a) The laboratory staff shall have direct access to the SOPs used to perform their job duties.
 - (b) A master copy of each issued SOP shall be kept on file with the approval signature.
 - (c) SOPs and other quality systems documentation shall be reviewed and updated on an annual basis. This review shall be documented.
 - (d) All laboratory SOPs shall be uniquely identified by number or title and shall contain all the following:
 - (i) A date of issue and the effective date.
 - (ii) A revision number.
 - (iii) An approval signature.
 - (e) The SOPs shall be comprehensive enough to allow a person experienced in the subject matter to perform the stated procedures.

R 324.1417 Sample collection, receipt, and storage.

Rule 1417. (1) The laboratory shall verify that the sampling collection form or the chain of custody is completed and includes the following information:

- (a) Identification of the sampling site.

- (b) The date and time of collection.
- (c) The laboratory analysis required.
- (d) The sample collector's name and organization.
- (e) The initials of the sampler.
- (f) The preservation type.
- (2) The laboratory shall verify that the data provided on the chain of custody for sample collection and measurements performed in the field is plausible.
- (3) The laboratory shall do all the following during the sample receipt and login process:
 - (a) Record the date and time of sample receipt.
 - (b) Document the person receiving the sample.
 - (c) Check each sample for deficiencies that occurred during sample collection and transport. This check shall include, but is not limited to the following:
 - (i) Checking and documenting that thermal preservation requirements are met.
 - (ii) Checking that samples have been properly preserved before analysis.
 - (iii) Checking that the containers used for sampling meet the requirements for the requested analysis.
 - (iv) Checking that the proper amount of headspace, or lack of, is in each sample container received.
 - (v) Checking the time of sample collection for holding time constraints.
 - (vi) Checking for evidence of tampering or damage.
 - (d) The laboratory shall check for and document any discrepancies in sample condition at the time of receipt. If a discrepancy is noted the laboratory shall reject the sample or flag the results on the final report to the nature of the problem.
 - (e) The laboratory shall assign each sample with a unique identification number that shall link the sample collection data, the sample login data, the preparation data, analytical data, and the final report.
- (4) The laboratory's sample storage and handling procedures shall specify the following:
 - (a) Samples shall not be stored in the same refrigerator/freezer with, or in close proximity to standards.
 - (b) All samples shall be clearly labeled with a unique identification number, the preservation type, and analysis required.
 - (c) Samples that require thermal preservation shall be stored at 1-6°C or as specified by the methodology.
 - (d) Samples shall be stored in a manner where access is limited.
 - (e) The laboratory shall be able to track a sample's analytical progression. Internal chain-of-custody practices shall be used when specified by contract or when the sample is collected for legal purposes.
 - (f) Sample storage areas shall be free of contaminants.

R 324.1418 Quality control.

Rule 1418. The laboratory shall perform and comply with all quality control criteria specified in the individual test method and the regulatory program. If absent from the test method, the laboratory shall perform and comply with the following quality control criteria:

- (a) The laboratory shall have procedures for instrumentation calibration and calibration acceptance. The laboratory shall do all of the following:
 - (i) Follow manufacturer prescribed warm-up procedures before calibration standards are run.
 - (ii) Make calibration standards and blanks in the same preservation matrix as samples.
 - (iii) Derive calibration curves and response factors from not less than 3 calibration points. A range factor of 50 or more requires 4 calibration points. A range factor of 100 or more requires 5 calibration points.
 - (iv) Ensure the lowest calibration standard has a signal-to-noise ratio of not less than 2.5 to 1.
 - (v) Ensure that reported results are bracketed by the calibration standards or the results are properly qualified.

- (vi) The laboratory shall develop and apply acceptance criteria for calibration coefficients and response factors.
- (b) The laboratory shall document and apply the following quality control criteria for analytical batches:
 - (i) Calibration curves shall be verified by running a standard at a mid-curve concentration level. Acceptability shall be checked against laboratory derived or regulatory acceptance limits and the batch rejected or stopped in the case of failure.
 - (ii) Second source QCS shall be prepared from a source different than the calibration standards. Second source QCS shall be run with each new calibration. Acceptability shall be checked against laboratory derived or regulatory acceptance limits and the batch rejected or stopped in the case of failure.
 - (iii) Required field or trip blanks shall be run when the sample result is positive. When the results of trip or field blanks are positive for the same analytes as the sample, they shall be reported to the client, or the sample results shall be rejected or qualified.
 - (iv) Method blanks shall be analyzed with each analytical batch. If the blank value for any target analyte exceeds the laboratories lower reporting limit for that analyte, then all data shall be rejected, the samples rerun, or the results shall be qualified.
 - (v) Duplicate samples or MS duplicates shall be analyzed with each analytical batch. The relative percent difference for each analyte shall be calculated between the replicate runs. Acceptability shall be checked against laboratory derived acceptance limits. Sample analytes that fail acceptability requirements shall be rerun or the results shall be qualified. For calculation and reporting purposes, the laboratory shall distinguish between the sample and the duplicate analysis.
 - (vi) MS samples shall be analyzed with each analytical batch. The percent recovery for each analyte shall be calculated and compared to laboratory derived control limits. Samples that fail MS recovery limits shall be rerun or may be qualified if the failure is attributed to the sample matrix and not instrument related. The laboratory shall spike the analyte(s) specified in the reference method, or the specific target analyte(s) if known at the time of analysis. The laboratory shall determine the number of spiking compounds in accordance with the following:
 - (A) Ten to 12 analytes, spike at least 10.
 - (B) Thirteen to 20 analytes, spike at least 80%.
 - (C) Over 20 analytes, spike at least 16.
- (vii) All reported results shall be bracketed by acceptable laboratory standards.

R 324.1419 Data processing and review.

Rule 1419. The laboratory shall follow procedures specified in the test method for data processing. When not specified by the test method the laboratory may use widely accepted data processing techniques. The laboratory shall ensure the following:

- (a) All standards and samples contained within a batch shall be processed with the same techniques and integration parameters. The laboratory shall retain the software settings used for all processing and reprocessing of analytical batches.
- (b) All raw data corrections are dated and initialed by the correcting person.
- (c) All manually drawn baselines are dated and initialed by the correcting person.
- (d) The correct number of significant figures is reported for each result. Report the number of significant figures as determined from the least accurate step in the analytical process.
- (e) The laboratory shall conduct second person reviews for all transcriptions, data entry, and manual calculations. Documentation of this review shall include the date the review was conducted and the signature or initials of the second person reviewer.
- (f) The laboratory shall conduct quality assessment reviews before final reports are released. These quality assessment reviews shall include, but are not limited, to the following:

- (i) A review of the login documentation to verify it corresponds with analytical data reported.
- (ii) A review to ensure that all required data qualifications are present.

R 324.1420 Initial demonstrations of capability.

Rule 1420. When available the laboratory shall follow procedures specified by the test method for IDOC. The laboratory shall perform, document, and approve IDOC before an analyst proceeds with sample analysis. The laboratory shall have an acceptable IDOC on file for each parameter analyzed. IDOC documentation shall include in summary form or readily available records all of the following:

- (a) The sample matrix, date of analysis, analyte name, analyst, method, instrument, and the I.D. of the standard used.
- (b) The precision and accuracy requirements, the spiked value, the results of the replicate runs, the precision obtained (%RSD), the mean concentration, and the mean accuracy.
- (c) Data from the 4 consecutive runs used in the generation of IDOC data.
- (d) Standard preparation records that document both of the following:
 - (i) The standards were prepared from a source independent from the calibration standards.
 - (ii) Aliquots of the standard used were prepared independently.

R 324.1421 Method detection limits; adoption by reference.

Rule 1421. (1) MDL analysis shall be conducted in accordance with the Code of Federal Regulations, Title 40 Protection of the Environment, Appendix B to Part 136—Definition and Procedure for the Determination of the Method Detection Limit—Revision 1.11. [49 FR 43430, Oct. 26, 1984; 50 FR 694, 696, Jan. 4, 1985, as amended at 51 FR 23703, June 30, 1986]. A copy may be obtained from the U.S. Government Printing Office, 732 N Capital Street NW, Washington DC 20401, or the document is available for inspection at the Department of Environmental Quality, Laboratory Services Section, 3350 N. MLK Blvd., Lansing, MI 48909.

(2) The laboratory shall perform MDL studies not less than once per year for each parameter or when a modification or repair that affects instrument sensitivity is made. MDL documentation shall include the following in summary form or readily available records:

- (a) The matrix, date of analysis, analyte name, analyst, method, instrument, and the identification of the standard used.
- (b) The spiked value, the results of the replicate runs, the standard deviation, the mean percent recovery, the student-t value used, the MDL obtained, and the laboratory's reporting limit.

R 324.1422 Reporting Limits.

Rule 1422. (1) The laboratory lower RL shall be all of the following:

- (a) Equal to or higher than the lowest calibration standard or calibration verification standard.
- (b) Higher than the laboratory calculated MDL.
- (c) Adjusted to compensate for dilution factors, moisture content, and sample volume.

(2) The laboratory upper reporting limit shall be the concentration of the highest calibration standard or the highest calibration verification standard. Samples that exceed the upper reporting limit shall be diluted or qualified

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the State Office of Administrative Hearings and Rules for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the State Office of Administrative Hearings and Rules.”

MCL 24.208 states in part:

“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

SOAHR 2005-023

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

DIRECTOR'S OFFICE

CONSTRUCTION CODE

**Filed with the Secretary of State on
These rules take effect**

(By authority conferred on the director of the department of labor and economic growth by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 1996-2 and 2003-1, MCL 445.2001 and 445.2011)

Draft October 4, 2006

R 408.30801, R 408.30808, R 408.30809, R 408.30810, R 408.30812, R 408.30818, R 408.30819, R 408.30823, R 408.30826, R 408.30828, R 408.30835, R 408.30867, R 408.30868, R 408.30869 and R 408.30873 of the Michigan Administrative Code are amended and R 408.30806, R 408.30821 and R 408.30834, are added to the Code as follows:

PART 8. ELECTRICAL CODE

R 408.30801 National electrical code; adoption by reference; inspection; purchase.

Rule 801. The standards contained in the national electrical code, 2002~~5~~ edition, except sections ~~80.2, 80.5, 80.7, 80.17, 80.27, 80.29, 80.31, 80.33, 80.35, 90.1, 90.5, and~~ 501.30B, 502.30B, 503.30B, 505.25B, 506.25B, 547.1 to 547.10, and Annex G, as published by the national fire protection association, shall govern the installation, replacement, alteration, relocation, and use of electrical systems or material. With the exceptions noted, the national electrical code is adopted in these rules by reference. Fine print notes contained within the body of the code are not adopted as a part of the code. All references to the ANSI/ASME A17.1-~~1996~~2004, Safety Code for Elevators and Escalators means the Michigan Elevator Code and all references to the National Electrical Code means the Michigan Electrical Code. The code is available for inspection at the Okemos office of the Michigan department of labor and economic growth, bureau of construction codes and fire safety. The National Electrical Code may be purchased from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, or from the Michigan Department of Labor and Economic Growth, Bureau of Construction Codes and Fire Safety, 2501 Woodlake Circle, Okemos, Michigan 48864, at a cost as of the time of adoption of these rules of \$~~60.00~~72.50 each.

R 408.30806 Application.

Rule 806. Section 80.9 is added to the code to read as follows:

80.9. Application.

(a) New installations. The code applies to new installations. Buildings with construction permits dated after adoption of the code shall comply with its requirements.

(b) Existing installations. Existing electrical installations that do not comply with the provisions of the code shall be permitted to be continued in use unless the authority having jurisdiction determines that the lack of conformity with the code presents an imminent danger to occupants. Where changes are required for correction of hazards, a reasonable amount of time shall be given for compliance, depending on the degree of the hazard.

(c) Additions, alterations, or repairs. Additions, alterations, or repairs to any building, structure, or premises shall conform to that required of a new building without requiring the existing building to comply with all the requirements of the code. Additions, alterations, installations, or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as determined by the authority having jurisdiction. Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the code in force at the time the additions are made.

R 408.30808 Scope.

Rule 808. Sections 80.1, ~~of the code is amended and~~ 80.1.1, 80.1.2, and 80.1.3 are added to the code to read as follows:

80.1. Scope. The code regulates the design, installation, maintenance, alteration, and inspection of electrical systems including all wiring, fixtures, appliances, and appurtenances in connection with the utilization of electrical energy, within or on a building, structure, or properties, and including service entrance wiring as defined by the code.

Exception: Electrical wiring and equipment within 1- and 2-family dwellings shall be constructed, installed, and maintained in accordance with the Michigan residential code.

80.1.1. Intent. The purpose of the code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of electrical wiring and equipment.

80.1.2. Severability. If a section, subsection, sentence, clause, or phrase of the code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the code.

80.1.3. Code conformity required. A person shall not install, alter, maintain, service, or repair, or cause or permit the installation, altering, maintaining, servicing, or repairing of electrical equipment in or on any building, structure, or part thereof, or on any premises, if by the person's action the work does not conform to the provisions of the code.

R 408.30809 Purpose.

Rule 809. Section 80.3 ~~of the code is amended~~ added to the code to read as follows:

80.3. Purpose. The purpose of this article shall be to provide requirements for administration and enforcement of the Michigan electrical code.

R 408.30810 Authority.

Rule 810. Section 80.13 ~~of the code is amended~~ added to the code to read as follows:

80.13. Authority. Where used in the code, "authority having jurisdiction" means the enforcing agency in accordance with the act ~~1972 PA 230, MCL 125.1501 et seq.,~~ as defined in R 408.30828. The code shall be administered and enforced by the enforcing agency in accordance with the act. ~~1972 PA 230, MCL 125.1501 et seq.~~

R 408.30812 Means of Appeal.

Rule 812. Sections ~~80.15 of the code is amended~~ and ~~80.15.1 is~~ are added to the code to read as follows:

80.15. Means of appeal. A person may appeal a decision of the enforcing agency to the board of appeals. An application for appeal shall be based on a claim that the true intent of the code or the rules governing construction have been incorrectly interpreted, the provisions of the code do not apply, or an equal or better form of construction is proposed. The application shall be filed under the act. ~~section 14 of 1972 PA 230, MCL 125.1501 et seq.~~

80.15.1. Limitation of authority. The board of appeals shall have no authority relative to interpretation of the administration of the code nor shall such board be empowered to waive requirements of the code.

R 408.30818 Permits and certificates.

Rule 818. Sections ~~80.19, of the code is amended~~ and ~~80.19.1, 80.19.2, 80.19.3, 80.19.4, 80.19.5, 80.19.6, 80.19.7, and 80.19.8~~ are added to the code to read as follows:

80.19. Permits and certificates. A person shall not equip a building with electrical conductors or equipment or make an alteration of, change in, or addition to, electrical conductors or equipment without receiving a written permit to do the work described. If the electrical installation or alterations of, changes in, or addition to, electrical conductors or equipment are found to be in compliance with the provisions of the code and if the work has passed the inspection of the enforcing agency, then the enforcing agency shall, upon the request of the permit holder to whom the permit was issued, issue a certificate of final electrical inspection. The certificate certifies that the provisions of the code have been complied with. This section does not apply to installations that are referred to in section 7(3)(a), (b), (c), (d), (e), (f), (h), (k), ~~or (l), or (n)~~ of 1956 PA 217, MCL 338.887(3)(a), (b), (c), (d), (e), (f), (h), (k), ~~or (l), or (n)~~.

80.19.1. To whom permits are issued. (1) To obtain an electrical permit, an applicant shall be 1 of the following:

(a) A holder of an electrical contractor license or the qualifying master for the electrical contractor when authorized by the electrical contractor to secure a permit.

(b) A person, firm, or corporation holding an affidavit as provided by R 338.1039a.

(c) A homeowner who occupies or will occupy a single-family dwelling and other accessory structures located on the same lot intended for use by the homeowner for which the permit is obtained and who will install the electrical equipment as certified by the homeowner on the permit application in accordance with ~~the act, section 10(4) of 1972 PA 230, MCL 125.1510(4).~~

(2) To obtain a permit for a fire alarm system, as defined in section 1a(1) of 1956 PA 217, MCL 338.881a (1), an applicant shall be 1 of the following:

(a) A holder of an electrical contractor license.

(b) A holder of a fire alarm specialty contractor license or the qualifying fire alarm specialty technician qualifying the fire alarm specialty contractor when authorized by the fire alarm specialty contractor to secure a permit.

(c) A homeowner qualifying under section ~~80-19.1~~ **80.19.1**(1)(c) of the code.

(3) To obtain a permit for an electrical sign or outline lighting, as defined in section 1b(1) and (2) of 1956 PA 217, MCL 338.881b(1) and (2), an applicant shall be 1 of the following:

(a) A holder of an electrical contractor license.

(b) A holder of a sign specialty contractor license or the sign specialty technician qualifying the sign specialty contractor when authorized by the sign specialty contractor to secure a permit.

(c) A homeowner qualifying under section 80.19.1(1)(c) of the code.

(4) To obtain a permit for electrical wiring associated with the installation, removal, alteration, or repair of a water well pump on a single-family dwelling to the first point of attachment in the house from the well, an applicant shall be 1 of the following:

(a) A holder of an electrical contractor license.

(b) A registered pump installer under part 127 of 1978 PA 368, MCL 333.12701 to 333.12771.

(c) A homeowner qualifying under section 80.19.1(1)(c) of the code.

(5) To obtain a permit for wiring associated with existing mechanical and plumbing systems referenced in section 7(3)(i) of 1956 PA 217, MCL 338.887(3)(i), a person shall be 1 of the following:

(a) A holder of an electrical contractor license or the qualifying master for the electrical contractor when authorized by the electrical contractor to secure a permit.

(b) A holder of a mechanical contractor license issued in accordance with section 6(3)(a), (b), (d), (e), and (f) of 1984 PA 192, MCL 338.976(3)(a), (b), (d), (e), and (f).

(c) A holder of a plumbing contractor license issued in accordance with 2002 PA 733, MCL 338.3511 et seq.

(6) To obtain a permit for the installation of wiring associated with telecommunications equipment and related systems, an applicant shall be 1 of the following:

(a) A holder of an electrical contractor's license.

(b) A person, firm, or corporation primarily engaged in the telecommunications and related information systems industry.

(c) A homeowner qualifying under section 80.19.1(1)(c) of the code.

~~80.19.2 Application for permit. To obtain an electrical permit, the applicant shall file the application in writing on a form furnished by the enforcing agency for that purpose. The application shall include all of the following:~~

~~–(1) A description of the work to be covered by the permit for which application is made.~~

~~–(2) Description of the land upon which the work is to take place by legal description, street address, or similar description that will readily identify and definitively locate the proposed building or work.~~

~~–(3) Be accompanied by construction documents in accordance with section 80.21 of the code.~~

~~–(4) Signature of the applicant.~~ **Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The contractor who is performing the work shall sign the application. The permit application shall contain the information required by the act.**

80.19.3. Permit expiration. If work for which a permit is issued is not started within 6 months of the date of permit issuance or if work is abandoned for a period of 6 months, then the permit shall lapse and cease to be in effect. ~~The enforcing agency shall provide notice of this requirement to the permit holder.~~

80.19.4. Uncompleted installation notification. If a person to whom a permit is issued for the installation and inspection of electrical conductors and electrical equipment quits the installation for any reason, then the person shall notify the enforcing agency.

80.19.5. Inspection and refunds for partial installation. If an installation is partially completed, then a permit holder, upon quitting the installation, shall notify the enforcing agency and shall request an inspection. The inspector shall record the acceptance of, or violations against, the work installed on the permit record according to the findings of the inspector. The enforcing agency shall not grant a refund to the permit holder of the permit fee covering electrical equipment installed and inspected.

80.19.6. Owner notification to enforcing agency. If a permit holder quits an installation after the electrical equipment is installed and fails to notify the enforcing agency, then the building owner or his or her agent may notify the enforcing agency and request inspection. Upon inspection, the enforcing

agency shall send the permit holder a notice of a violation. The owner may then secure another licensed contractor to proceed with the work if the new contractor is properly covered by a permit.

80.19.7. Transfer of permit. An electrical permit is not transferable.

80.19.8. Fraudulent application for permit. A permit that is issued in violation of the laws of this state or as a result of false or fraudulent information or misinterpretation of conditions is subject to revocation at the direction of the enforcing agency. The enforcing agency shall notify the person holding the permit to appear and show cause why the permit should not be revoked. Failure to appear is sufficient grounds for revocation of the permit.

R 408.30819 Plans and specifications.

Rule 819. Sections ~~80.21, of the code is amended and~~ 80.21.1 and 80.21.2 are added to the code to read as follows:

80.21. Plans and specifications. An applicant shall submit a detailed set of plans and specifications with the application for an electrical permit for any wiring or alteration to an electrical system if the system requires installation of electrical equipment that has an ampacity of more than 400 amperes for the service or feeder and if the calculated floor area in a building is more than 3,500 square feet. The enforcing agency may request plans for projects that include an unusual design. The electrical drawings shall include all of the following details:

- (a) Lighting layout.
- (b) Circuiting.
- (c) Switching.
- (d) Conductor and raceway sizes.
- (e) Wattage schedule.
- (f) Service location and riser diagram.
- (g) Load calculations.
- (h) A proposed method of construction that is drawn with symbols of a standard form.

All conductors are assumed to be copper unless otherwise stated in the plan. Specifications, when provided, shall also include the information listed in this rule. The selection of suitable disconnect and overcurrent devices to provide proper coordination and interrupting capacity for a wiring system is the responsibility of the designer. The enforcing agency, when approving electrical plans, does not assume responsibility for the design or for any deviations from any electrical drawings. The permit holder shall ensure that the plans and specifications approved by the enforcing agency, or a certified copy of the plans and specifications, where required, are available on the jobsite for the use of the enforcing agency.

80.21.1. Preparation of plans. An architect or engineer shall prepare, or supervise the preparation of, all plans and specifications for new construction work or repair, expansion, addition, or modification work. The architect or engineer shall be licensed under 1980 PA 299, MCL 339.101 et seq. The plans and specifications shall bear the architect's or engineer's signature and seal.

Note: For exceptions, see 1980 PA 299, MCL 339.101 et seq.

80.21.2. Review of construction documents. The enforcing agency shall review the application, construction documents, and other data filed by an applicant for a permit. If the enforcing agency finds that the proposed work conforms to the requirements of the code and related laws and ordinances and that the fees are paid, then the agency shall issue a permit to the applicant.

R 408.30821 Occupancy of building or structure.

Rule 821. Section 80.11 is added to the code to read as follows:

80.11. Occupancy of building or structure.

(a) New construction. No newly constructed building may be occupied in whole or in part in violation of the provisions of the code.

(b) Existing buildings. Existing buildings that are occupied at the time of adoption of the code shall be permitted to remain in use provided the following conditions apply:

(1) The occupancy classification remains unchanged.

(2) There exists no condition deemed hazardous to life or property that would constitute an imminent danger.

R 408.30823 Connection to electricity supply.

Rule 823. Section 80.25 of the code is ~~amended~~ **added to the code** to read as follows:

80.25. Connection to electricity supply. Except where work is ~~done~~**performed** under an annual permit or except as otherwise provided in the code, a person, firm, or corporation shall not make connection to a supply of electricity or to supply electricity to any electric equipment installation for which a permit is required or that has been disconnected or ordered to be disconnected.

R408.30826 Violations.

Rule 826. Section 80.23 of the code is ~~amended~~ **added to the code** to read as follows:

80.23. Violations. If it is found that any electrical equipment does not conform to the provisions of the code, then the enforcing agency shall notify, in writing, the person who installs, or who is responsible for installing, the electrical equipment, in accordance with ~~the act, section 12(3) of 1972 PA 230, MCL 125.1512(3),~~ of the defect, misuse, or violation. Violations and penalties shall be as specified in ~~the act, section 23 of 1972 PA 230, MCL 125.1523.~~

R 408.30828 Definitions.

Rule 828. The definitions of authority having jurisdiction, dwelling unit, dwelling, 1-family, dwelling, 2-family, and dwelling, multifamily in article 100 of the code are amended and the definitions of **act**, chief electrical inspector, code official, electrical inspector, and enforcing agency are added to article 100 of the code to read as follows:

"Act" means 1972 PA 230, MCL 125.1501 et seq. and known as the Stille-DeRossett-Hale single state construction code act.

"Authority having jurisdiction" where used in the code means the enforcing agency.

"Dwelling unit" means a single unit providing complete independent living facilities for 1 or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

"Dwelling, 1-family" means a building that consists solely of 1 dwelling unit complying with the provisions of the Michigan residential code.

"Dwelling, 2-family" means a building that consists solely of 2 dwelling units complying with the provisions of the Michigan residential code.

"Dwelling, multifamily" means a building that contains 3 or more dwelling units. Residential occupancies containing more than 2 dwelling units where the occupants are primarily permanent in nature, including all of the following:

1. Apartment houses.
2. Boarding housing, not transient.
3. Convents.
4. Dormitories.
5. Fraternities and sororities.
6. Monasteries.

"Chief electrical inspector" where used in the code means the code official.

"Code official" means a person who is appointed and employed by a governmental subdivision who is charged with the administration and enforcement of the state code or codes, and who is registered in accordance with 1986 PA 54, MCL 338.2301 et seq.

"Electrical inspector" where used in the code means the code official.

"Enforcing agency" means the enforcing agency, in accordance with ~~the act, section 8a or 8b of 1972 PA 230, MCL 125.1501 et seq.~~, which is responsible for administration and enforcement of the code within a governmental subdivision, except for the purposes of ~~the act, section 19 of 1972 PA 230, MCL 125.1501 et seq.~~

R 408.30834 Maximum number of disconnects.

Rule 834. Section 230.71(A) of the code is amended to read as follows:

230.71(A). General. The service disconnecting means for each service permitted by section 230.2 of the code, or for each set of service-entrance conductors permitted by section 230.40, exception nos. 1, 2, 3, or 4, of the code, shall consist of not more than 6 switches or sets of circuit breakers, or a combination of not more than 6 switches and sets of circuit breakers, mounted in a single enclosure, in a group of separate enclosures, in a switchboard or on a switchboard. There shall be not more than 6 sets of disconnects per service grouped in any 1 location. For the purpose of this section, disconnecting means used solely for power monitoring equipment, transient voltage surge suppressors, or the control circuit of the ground-fault protection system or power-operable service disconnecting means, installed as part of the listed equipment, shall not be considered a service disconnecting means.

R 408.30835 Number of service-entrance conductor sets. ~~Grounded and ungrounded conductor sources.~~

~~Rule 835. Section 300.3(b) (5) is added to the code to read as follows:~~

~~300.3(b)(5). Grounded and ungrounded conductor sources. Grounded and associated ungrounded circuit conductors for 2, 3, or 4 wire circuits shall all originate at the same source in the wiring system. A grounded conductor shall not be used for more than 1 multi-wire branch circuit.~~ Section 230.40 of the code is amended to read as follows:

230.40. Number of Service-Entrance Conductor Sets. Each service drop or lateral shall supply 1 set of service-entrance conductors.

Exception 1: A building may have 1 set of service-entrance conductors for each service, as defined in section 230.2 of the code, run to each occupancy or group of occupancies.

Exception 2: Where 2 to 6 service disconnecting means in separate enclosures are grouped at 1 location and supply separate loads from 1 service drop or lateral, 1 set of service-entrance conductors may supply each or several such service equipment enclosures.

Exception 3: A 2-family dwelling or a multifamily dwelling may have 1 set of service-entrance conductors installed to supply the circuits covered in section 210.25 of the code.

Exception 4: One set of service-entrance conductors connected to the supply side of the normal service disconnecting means may supply each or several systems covered by section 230.82(4) or section 230.82(5) of the code.

R 408.30867 Grounding and bonding of flexible metal conduit.

Rule 867. Section ~~350.14~~348.60 of the code is amended to read as follows:

~~350.14~~348.60. ~~The permit holder shall not use flexible metal conduit as a grounding means. If an equipment bonding jumper is required around flexible metal conduit, then the permit holder shall install the jumper in accordance with section 250.102 of the code.~~ An equipment grounding

conductor or equipment bonding jumpers shall be installed. Equipment grounding conductors shall be installed in accordance with section 250.134(B) of the code. Equipment bonding jumpers shall be installed in accordance with section 250.102 of the code.

R 408.30868 Grounding and bonding of liquidtight flexible metal conduit.

Rule 868. Section ~~350.13~~350.60 of the code is amended to read as follows:

~~350.13~~350.60. The permit holder shall not use liquidtight flexible metal conduit as a grounding means. If an equipment bonding jumper is required around liquidtight flexible metal conduit, then the permit holder shall install the jumper in accordance with section 250.102 of the code. An equipment grounding conductor or equipment bonding jumpers shall be installed. Equipment grounding conductors shall be installed in accordance with section 250.134(B) of the code. Equipment bonding jumpers shall be installed in accordance with section 250.102 of the code.

R 408.30869 Grounding conductors.

Rule 869. Section 250.118 of the code is amended to read as follows:

250.118. Types of equipment grounding conductors. The equipment grounding conductor run with or enclosing the circuit conductors shall be 1 or more or a combination of the following:

- (1) A copper, aluminum, or copper-clad aluminum conductor. This conductor shall be solid or stranded; insulated, covered, or bare; and, in the form of a wire or a busbar of any shape.**
- (2) Rigid metal conduit.**
- (3) Intermediate metal conduit.**
- (4) Electrical metallic tubing.**
- (5) Flexible metallic tubing where the tubing is terminated in fittings listed for grounding and meeting both of the following conditions:**
 - (a) The circuit conductors contained in the tubing are protected by overcurrent devices rated at 20 amperes or less.**
 - (b) The length of flexible metallic tubing in the ground return path does not exceed 1.8m (6 feet).**
- (6) Armor of type AC cable as provided in section 320.108 of the code.**
- (7) The copper sheath of mineral-insulated, metal-sheathed cable.**
- (8) Type MC cable where listed and identified for grounding in accordance with both of the following:**
 - (a) The combined metallic sheath and grounding conductor of interlocked metal tape-type MC cable.**
 - (b) The metallic sheath or the combined metallic sheath and grounding conductors of the smooth or corrugated tube type MC cable.**
- (9) Cable trays as permitted by sections 392.3(c) and 392.7 of the code.**
- (10) Cablebus framework as permitted by section 370.3 of the code.**
- (11) Other listed electrically continuous metal raceways and listed auxiliary gutters listed for grounding.**
- (12) Surface metal raceways listed for grounding.**

R 408.30873 Uses permitted. ~~Fire alarm monitoring.~~

Rule 873. ~~Section 760.11 is added to the code to read as follows:~~

~~760.11. The enforcing agency shall ensure that all fire protective circuits are electrically or electronically monitored for integrity so that any malfunction of the system, such as an electrical open, a ground fault, or any short circuit fault on the main power supply, signaling line, or alarm-~~

~~initiating devices or fire safety control circuit, will indicate a visual and audible signal at the alarm panel when proper alarm operation would be prevented.~~

~~–Exception 1: Interconnecting circuits of household fire warning equipment that are wholly within a dwelling unit.~~

~~–Exception 2: Fire safety control circuits that operate on loss of power to the auxiliary fire safety control relay are considered self-monitoring for integrity.~~

Section 334.10 of the code is amended to read as follows:

334.10. Uses Permitted. Type NM, type NMC, and type NMS cables may be used in the following:

- (1) One- and 2-family dwellings.
- (2) Multifamily dwellings except as prohibited in section 334.12 of the code.
- (3) Other structures except as prohibited in section 334.12 of the code. In structures exceeding 1 floor above grade, cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire rated assemblies in accordance with the Michigan building code.
- (4) Cable trays in structures permitted to be types III, IV, or V where the cables are identified for the use.

NOTICE OF PUBLIC HEARING

DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
NOTICE OF PUBLIC HEARING

Electrical Code Rules (SOAHR# 2005-023 LG)

The Department of Labor & Economic Growth, Bureau of Construction Codes will hold a public hearing on Wednesday, January 17, 2007, at 9:30 a.m., 2501 Woodlake Circle, Okemos, MI 48864, in conference room 3, 1st floor. The proposed effective date of each of the rule sets listed above is September 1, 2007.

The public hearing is to receive public comments on the proposed amendments to the administrative rules noted above, which are revised to update the codes to the 2005 national electrical code standards and the 2006 international mechanical and plumbing code standards. Testimony will be taken for each rule set in the order the rules are listed above. Individuals who are not present during testimony for a particular rule set will be provided an opportunity to testify after final testimony on the Electrical code rule set. The hearing is being conducted by the Department by authority under Section 4 of 1972 PA 230, MCL 125.1504 and Executive Reorganization Order Nos. 1996-2 and 2003-1, MCL 445.2001 and 445.2011.

The proposed rules will be published in the January 1, 2007, edition of the *Michigan Register*. Copies of the proposed amendments to the rules may be obtained for a fee of \$3.00 per rule set by submitting a check or money order, made payable to the State of Michigan, to the Bureau at the address below. You may download a free copy of the proposed amendments by visiting our website at www.michigan.gov/bcc. The amendments are located under the What's New section.

Oral or written comments may be presented in person at the hearing on January 17, 2007, or submitted in writing by mail, e-mail, or facsimile no later than 5:00 p.m., January 17, 2007. If your presentation is in written form, please provide a copy to the court reporter at the conclusion of your testimony.

Department of Labor & Economic Growth
Bureau of Construction Codes
Office of Administrative Services
P.O. Box 30254
Lansing, MI 48909
Telephone (517) 335-2972
Facsimile (517) 241-9570
smmatsu@michigan.gov

Be sure all cellular telephones and pagers are turned off or set to vibrate during the hearing.

The meeting site is accessible, including handicapped parking. People with disabilities requiring additional accommodations in order to participate in the meeting should call Tracie Pack at 517-335-2972 (voice) or 517-322-5987 (TTY) at least 14 workdays prior to the hearing.

PROPOSED ADMINISTRATIVE RULES

SOAHR 2006-004

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on
These rules take effect

(By authority conferred on the director of the department of labor and economic growth by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 1996-2 and 2003-1, MCL 445.2001 and 445.2011)

Draft December 6, 2006

R 408.30901a, R 408.30905a, R 408.30906a, R 408.30907a, R 408.30908a, R 408.30909a, R 408.30910a, R 408.30915a, R 408.30918a, R 408.30927a, R 408.30935a, R 408.30936a, R 408.30945a, and R 408.3995a of the Michigan Administrative Code are amended and R 408.30912a is added to the code as follows:

PART 9A. MECHANICAL CODE

AMENDMENTS AND ADDITIONS TO BASIC MECHANICAL CODE

R 408.30901a Adoption by reference of international mechanical code.

Rule 901a. The provisions of the international mechanical code, 2003~~6~~ edition, except for sections 103.2, 103.4, 104.2, 106.5.1 to 106.5.3, 107.1.2 to 107.1.2.3, 109.2 to 109.7 and appendix B govern the construction, alteration, relocation, demolition, use and occupancy of buildings and structures. With the exceptions noted, the code is adopted in these rules by reference. All references to the International Building Code, International Residential Code, International Energy Conservation Code, International Electrical Code, International Mechanical Code, and International Plumbing Code mean the Michigan Building Code, Michigan Residential Code, Michigan Uniform Energy Code, Michigan Electrical Code, Michigan Mechanical Code, and Michigan Plumbing Code respectively. The code is available for inspection at the Okemos office of the Michigan department of ~~consumer and industry services~~**labor & economic growth**, bureau of construction codes ~~and fire safety~~. The code may be purchased from the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, or from the Michigan Department of ~~Consumer and Industry Services~~**Labor & Economic Growth**, Bureau of Construction Codes ~~and Fire Safety~~, 2501 Woodlake Circle, Okemos, Michigan 48864, at a cost as of the time of adoption of these rules of ~~\$45.00~~**\$50.00** each.

R 408.30905a Definitions.

Rule 905a. The definition of **the act is added and the definition of** code official ~~in section 202 of the code~~ is amended to read as follows:

202. “Act” means 1972 PA 230, MCL 125.1501 and known as the Stille-DeRossett-Hale single state construction code act.

~~202.~~ “Code official” means a person who is appointed and employed by a governmental subdivision who is charged with the administration and enforcement of the state code or codes, and who is registered in accordance with 1986 PA 54, MCL 338.2301 ~~et seq.~~

R 408.30906a Work permit; submitting plans and specifications to authority.

Rule 906a. Sections 106.1, 106.2, 106.3, **106.3.1** 106.4, 106.4.3 and 106.4.4 of the code are amended to read as follows:

106.1. Permits required. A contractor licensed pursuant to 1984 PA 192, MCL 338.971 ~~et seq.~~ who desires to erect, install, enlarge, alter, repair, remove, convert, or replace a mechanical system, the installation of which is regulated by this code, or to cause such work to be done, shall first make application in accordance with the requirements of ~~the act.~~ ~~section 10 of 1972 PA 230, MCL 125.1510.~~

Exception: A person who holds a valid boiler installer license issued under 1965 PA 290, MCL 408.751 ~~et seq.~~ shall secure a permit for the installation of a steam or hot water boiler which carries a pressure of not more than 15 psig for steam and 160 degrees Fahrenheit for hot water, and which is located in a private residence or in an apartment building having 5 or less dwelling units.

106.2. Permits not required. A person is not required to obtain a permit to perform mechanical work on any of the following items:

- (a) A portable heating or gas appliance.
- (b) Portable ventilation equipment.
- (c) A portable cooling unit.
- (d) A minor part that is replaced if the replacement does not affect equipment approval or make it unsafe.
- (e) A portable evaporative cooler.
- (f) Self-contained refrigeration equipment and a window-type air conditioner that is not more than 1.5 horsepower.
- (g) A boiler or pressure vessel for which a permit is required by sections 17 and 18 of 1965 PA 290, MCL 408.767 and 408.768.
- (h) An oil burner that does not require connection to a flue, such as an oil stove and a heater equipped with a wick.
- (i) A portable gas burner that has inputs of less than 30,000 Btu’s per hour.
- (j) **When changing or relocating a gas meter or regulator, a permit is not required when using** ~~G~~gas piping limited to 10 feet in length and not more than 6 fittings.

(k) A permit is not required for connection to LP tanks when changing a tank of similar size.

106.3 Application for permit. Each application for a permit with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The contractor who is performing the work shall sign the application. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain the information required by ~~the act.~~ ~~section 10 of 1972 PA 230, MCL 125.1510.~~

106.3.1 Construction documents. Construction documents, engineering calculations, diagrams, and other data shall be submitted in 2 or more sets with each application for a permit. The code official shall require construction documents, computations, and specifications to be prepared and designed by a registered design professional in accordance with 1980 PA 299, MCL 339.101. Where special conditions exist, the code official may require additional construction documents to be prepared by a registered design professional. Construction documents shall be drawn to scale

and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings more than 2 stories in height shall indicate where penetrations will be made for mechanical systems, and the materials and methods for maintaining required structural safety, fire-resistance rating, and fire blocking.

Exception: The code official may waive the submission of construction documents, calculations, or other data if the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with the code.

106.4. Permit issuance. The enforcing agency shall review the application, construction documents, and other data filed by an applicant for permit in accordance with ~~the act. 1972 PA 230, MCL 125.1501 et seq.~~ If the enforcing agency finds that the proposed work conforms to the requirements of the act, the code, and all other applicable laws and ordinances thereto, and that all fees prescribed by the act have been paid, then the enforcing agency shall issue a permit to the applicant.

106.4.3. Expiration. Each permit issued by the code official under the provisions of the code shall expire by limitation and become null and void if the work authorized by the permit is not begun within 180 days from the date of the permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is begun for a period of 180 days. Before work is recommenced, a new permit shall be first obtained, provided no changes have been made or will be made in the original construction document and that suspension or abandonment has not exceeded 1 year.

106.4.4. Extensions. A permittee holding an unexpired permit may apply for an extension of the time within which the permittee may begin work under that permit if **for** good and satisfactory reasons. The code official shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. No permit shall be extended more than once.

R 408.30907a Fees.

Rule 907a. Section 106.5 of the code is amended to read as follows:

106.5. Fees. The fees prescribed by ~~the act section 22 of 1972 PA 230, MCL 125.1522~~ shall be paid to the enforcing agency of the jurisdiction before a permit to begin work for new construction, alteration, removal, demolition, or other building operation may be issued. In addition, an amendment to a permit necessitating an additional fee shall not be approved until the additional fee is paid.

R 408.30908a Means of appeal.

Rule 908a. Section 109.1 of the code is amended to read as follows:

109.1. Means of appeal. An interested person may appeal a decision of the enforcing agency to the board of appeals in accordance with the act. An application for appeal shall be based on a claim that the true intent of ~~this~~ code or the rules governing construction have been incorrectly interpreted, the provisions of the code do not apply, or an equal or better form of construction is proposed. **The decision of a local board of appeals may be appealed to the Construction Code Commission in accordance with the act and the applicable time frames.**~~The application shall be filed under section 14 of 1972 PA 230, MCL 125.1514.~~

R 408.30909a Violations.

Rule 909a. Section 108.4 of the code is amended to read as follows:

108.4 Violation penalties. Any person who violates a provision of this code, who fails to conform with any of the requirements thereof, or who erects, installs, alters, or repairs mechanical work in violation of the approved construction documents or directive of the enforcing agency, or a permit or

certificate issued under the provisions of this code, shall be fined in accordance with ~~the act, section 23 of 1972 PA 230, MCL 125.1523.~~

R 408.30910a Stop work orders.

Rule 910a. Section 108.5 of the code is amended to read as follows:

108.5. Stop work orders. Upon notice from the enforcing agency that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, the work shall immediately cease. Notice shall be in accordance with ~~the act, section 12 of 1972 PA 230, MCL 125.1512.~~ A person who is served with a stop work order, except for work that a person is directed to perform to remove a violation or unsafe condition, is subject to the penalty provisions prescribed by ~~the act, section 23 of 1972 PA 230, MCL 125.1523.~~

R 408.30912a Enclosed Parking Garages.

Rule 912a. Section 404.1 of the code is amended to read as follows:

404.1. Enclosed parking garages. Mechanical ventilation systems for enclosed parking garages are not required to operate continuously where the system is arranged to operate automatically upon detection of a concentration of carbon monoxide of 25 parts per million (ppm) by approved automatic detection devices. Upon activation such systems shall operate for 30 minutes.

R 408.30915a Scope of article; adoption by reference.

Rule 915a. Section 601.1 of the code is amended to read as follows:

601.1. The provisions of this article govern the construction, installation, alteration, maintenance, and repair of duct systems. Duct systems shall be in compliance with the provisions of the code, the provisions of NFPA 90A-~~1999~~**2002** and NFPA 90B-~~1999~~**2006**, the standards of the national fire protection association, and the provisions of air conditioning contractors of America (ACCA) manual D-1995, manual J-~~1986~~**2006**, manual N-1988, and manual Q-1990, as listed in chapter ~~46~~**15**.

R 408.30918a ~~Duct installation~~**Registers, grilles, and diffusers.**

Rule 918a. Section ~~603.15.1603.17.2~~ **603.17.2 of the code is amended** ~~is added to the code~~ to read as follows:

~~603.15.1603.17.2. Floor register location~~**Prohibited locations. Diffusers, registers, and grilles shall be prohibited in the floor or its upward extension within toilet and bathing room floors.**

Exception: Dwelling units. Within dwelling units, floor registers may be located in a room or space containing water closets, but shall be located a minimum of 3 feet from the water closet.

R 408.30927a ~~Electric installation~~**Roofs and elevated structures.**

Rule 927a. Sections ~~306.5 and 306.5.1~~ **306.5 and 306.5.1 of the code are amended** ~~M-409.4~~ to read as follows:

~~M-409.4. All equipment shall have an electrical disconnect switch on, or immediately adjacent to, the equipment.~~**306.5 Equipment and appliances on roofs or elevated structures. Where equipment and appliances requiring access are installed on roofs or elevated structures at a height that requires access exceeding 16 feet (4877 mm), such access shall be provided by a permanent approved means of access, the extent of which shall be from grade or floor level to the equipment and appliances' level service space. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) high or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). Where access involves obstructions greater than 30 inches in height, permanent ladders or equivalent, shall be provided on both sides requiring access in accordance with the ladder requirements of this section.**

Permanent ladders installed to provide the required access shall comply with the following minimum design criteria:

1. The side railing shall extend above the parapet or roof edge not less than 30 inches (762 mm).
2. Ladders shall have rung spacing not to exceed 14 inches (356 mm) on center.
3. Ladders shall have a toe spacing not less than 6 inches deep.
4. There shall be a minimum of 18 inches (457 mm) between rails.
5. Rungs shall have a minimum 0.75-inch (19 mm) diameter and be capable of withstanding a 300-pound (136.1kg) load.
6. Ladders over 30 feet (9144 mm) in height shall be provided with offset sections and landings capable of withstanding 100 pounds (488.2 kg/m₂) per square foot.
7. Ladders shall be protected against corrosion in accordance with section 104.1 of the code..

Catwalks installed to provide the required access shall be not less than 24 inches (610 mm) wide and shall have railings as required for service platforms.

Exception: This section shall not apply to group R-3 occupancies.

306.5.1 Sloped roofs. Where appliances are installed on a roof having a slope of 3 units vertical in 12 units horizontal or greater and having an edge more than 30 inches above grade at such edge, a level platform shall be provided on each side of the appliance to which the access is required for service, repair, or maintenance. The platform shall not be less than 30 inches in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter sphere and shall comply with the loading requirements for guards specified in the Michigan building code. Access to appliances shall not require climbing over obstructions greater than 30 inches (762 mm) high or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal permanent ladders, or equivalent, shall be provided on both sides requiring access in accordance with the ladder requirements of section 306.5.

Exception: This section shall not apply to group R-3 occupancies.

R 408.30935a Ventilation requirements for commercial kitchens.

Rule 935a Sections 506.1, 506.3.6, 507.1, 507.2.2, **and** 507.9, ~~507.13.1, 507.13.2, 507.13.3, and 507.13.4~~ of the code are amended and sections ~~507.13.5 and 507.16.1.1~~ **is** are added to the code to read as follows:

506.1. Ventilation requirements for commercial kitchens. Ventilation for commercial kitchens shall be in compliance with NFPA-96-~~2001~~**2004**, the standard of the national fire protection association listed in chapter ~~46~~**15**.

506.3.6 Grease duct clearances. Grease duct systems and exhaust equipment serving a type I hood shall have clearances to combustibles as required by NFPA 96-~~2001~~**2004**, as listed in chapter ~~46~~**15**.

Exception: Listed and labeled factory -built commercial kitchen grease ducts and exhaust equipment installed in accordance with section 304.1 of the code.

507.1 General. Commercial kitchen exhaust hoods shall comply with the requirements of this section and NFPA 96-~~2001~~**2004**, as listed in chapter ~~46~~**15**. Hoods shall be type I or type II and shall be designed to capture and confine cooking vapors and residues.

Exceptions:

1. Factory-built commercial exhaust hoods which are tested in accordance with UL 710~~B-2004~~ **or 197SB-2003**, as listed in chapter ~~46~~**15**, listed, labeled, and installed in accordance with section 304.1 shall not be required to comply with sections 507.4, 507.7, 507.11, 507.12, 507.13, 507.14, and 507.15 of the code.

2. Factory-built commercial cooking recirculating systems which are tested in accordance with UL 197-~~2003~~, as listed in chapter ~~1615~~, listed, labeled, and installed in accordance with section 304.1 of the code shall not be required to comply with sections 507.4, 507.5, 507.7, 507.12, 507.13, 507.14, and 507.15 of the code.

3. Net exhaust volumes for hoods may be reduced during no-load cooking conditions, where engineered or listed multi-speed or variable-speed controls automatically operate the exhaust system to maintain capture and removal of cooking effluents as required.

507.2.2. Type II hoods. Type II hoods shall be installed where cooking or dishwashing appliances produce heat or steam and do not produce grease or smoke, such as steamers, kettles, pasta cookers, dishwashing machines, and ovens.

Exceptions:

1. Under-counter type commercial dishwashing machines.
2. A type II hood is not required for dishwashers and potwashers that are provided with heat and water vapor exhaust systems that are supplied by the appliance manufacturer and are installed in accordance with the manufacturer's instructions.

3. Ovens used for re-heating foods previously cooked.

507.9. Clearances for type I hood. A type I hood shall be installed with clearances from combustibles as required by NFPA 96-~~2001~~**2004** as listed in chapter ~~1615~~.

~~507.13.1. Extra-heavy-duty cooking appliances. The minimum net airflow for type I hoods used for extra-heavy-duty cooking appliances shall be determined as follows:~~

Type of hood	CFM per foot of open perimeter of hood
Wall-mounted canopy	550
Single island canopy	700
Double island canopy (per side)	550
Backshelf/pass-over	not allowed
Eyebrow	not allowed

~~507.13.2. Heavy-duty cooking appliances. The minimum net airflow for type I hoods used for heavy-duty cooking appliances shall be determined as follows:~~

Type of hood	CFM per foot of open perimeter of hood
Wall-mounted canopy	400
Single island canopy	600
Double island canopy (per side)	400
Backshelf/pass-over	400
Eyebrow	not allowed

~~507.13.3. Medium-duty cooking appliances. The minimum net airflow for type I hoods used for medium-duty cooking appliances shall be determined as follows:~~

Type of hood	CFM per foot of open perimeter of hood
Wall-mounted canopy	300
Single island canopy	750
Double island canopy (per side)	300

Backshelf/pass-over	300
Eyebrow	250

~~507.13.4. Light-duty cooking appliances. The minimum net airflow for type I hoods used for light-duty cooking appliances and food-service preparation and cooking operations approved for use under a type II hood shall be determined as follows:~~

Type of hood	CFM per foot of open perimeter of hood
Wall-mounted canopy	200
Single island canopy	400
Double island canopy (per side)	250
Backshelf/pass-over	250
Eyebrow	250

~~507.13.5. Dishwashing machines. Dishwashing machines shall be installed under a type II hood.~~

507.16.1.1 Smoke test. The field test identified in section 507.16.1 of the code shall be conducted in accordance with the smoke testing procedures established by the bureau of construction codes and fire safety, which are available at no cost from the bureau's web site at www.michigan.gov/bccfs, or, from the Michigan Department of **Labor and Economic Growth**~~Consumer and Industry Services~~, Bureau of Construction Codes and Fire Safety, 2501 Woodlake Circle, Okemos, Michigan, 48864.

R 408.30936a Scope of article.

Rule 936a. Sections 1001.2 ~~are~~ added to the code and **section 1004.4.3 of the code is amended** to read as follows:

1001.2. Boilers. In addition to the other provisions of the code, this article governs the installation, alteration, and repair of water heaters and boilers. The installation of boilers shall be in compliance with the provisions of this code and the Michigan boiler code.

1004.4.3. Working clearance. Clearance shall be maintained around boilers, generators, heaters, tanks, and related equipment and appliances so as to permit inspection, servicing, repair, replacement, and visibility of all gauges. When boilers are installed or replaced, clearances shall be provided to allow access for inspection, maintenance, and repair. Passageways around all sides of the boiler shall have an unobstructed width of not less than 24 inches (610 mm), unless otherwise approved.

R 408.30945a ~~Insulation~~**Ventilation; exhaust.**

Rule 945a. Sections ~~604.3 and 1204.1~~ **401.4.2, 501.2.1 and 504.4** of the code are amended to read as follows:

~~604.3. Coverings and linings. Coverings and linings, including adhesives when used, shall have a flame spread index not more than 25 and a smoke-developed index not more than 50, when tested in accordance with ASTM E 84, using the specimen preparation and mounting procedures of ASTM E 2231. Duct coverings and linings shall not flame, glow, smolder, or smoke when tested in accordance with ASTM C 411 at the temperature to which they are exposed in service. The test temperature shall not fall below 250° F (121° C).~~

~~1204.1 Insulation characteristics. Pipe insulation installed in buildings shall conform to the requirements of the Michigan uniform energy code, shall be tested in accordance with ASTM E 84, using the specimen preparation and mounting procedures of ASTM E 2231 and shall have a maximum flame spread index of 25 and a smoke-developed index not exceeding 450. Insulation installed in an air plenum shall comply with section 602.2.1.~~

~~Exception: The maximum flame spread index and smoke developed index shall not apply to 1- and 2-family dwellings.~~ **401.4.2 Exhaust openings.** Outside exhaust openings shall be located so as not to create a nuisance. Exhaust openings shall not be directed onto walkways. Exhaust openings shall not terminate within 2 feet of a ventilated section in a soffit.

501.2.1 Location of exhaust outlets. The termination point of exhaust outlets and ducts discharging to the outdoors shall be located with the following minimum distances:

1. For ducts conveying explosive or flammable vapors, fumes, or dusts: 30 feet (9144 mm) from property lines; 10 feet (3048 mm) from operable openings into buildings; 6 feet (1829 mm) from exterior walls and roofs; 30 feet (9144 mm) from combustible walls and operable openings into buildings which are in the direction of the exhaust discharge; 10 feet (3048 mm) above adjoining grade.

2. For other product-conveying outlets: 10 feet (3048 mm) from the property lines; 3 feet (914 mm) from exterior walls and roofs; 10 feet (3048 mm) from operable openings into buildings; 10 feet (3048 mm) above adjoining grade.

3. For environmental air duct exhaust: 3 feet (914 mm) from property lines; 3 feet (914 mm) from operable openings into buildings for all occupancies other than group U, and 10 feet (3048 mm) from mechanical air intakes.

4. For specific systems: For clothes dryer exhaust, see section 504.4; for kitchen hoods, see section 506.3; for dust, stock and refuse conveying systems, see section 511.2; and for subslab soil exhaust systems, see section 512.4; for bathroom or kitchen exhaust in a residential dwelling see section 401.4.1.

504.4 Exhaust installation. Dryer exhaust ducts for clothes dryers shall terminate on the outside of the building, shall not terminate within 4 feet of a ventilated section in a soffit, and shall be equipped with a back draft damper. Screens shall not be installed at the duct termination. Ducts shall not be connected or installed with sheet metal screws or other fasteners that will obstruct the exhaust flow. Clothes dryer exhaust ducts shall not be connected to a vent connector, vent, or chimney. Clothes dryer exhaust ducts shall not extend into or pass through ducts or plenums.

R 408.30995a Automatic sprinkler systems generally.

Rule 995a. Sections 1600.0, 1600.1, and 1600.2 are added to the code to read as follows:

1600.0. Automatic sprinkler systems; fire suppression systems.

1600.1 Scope. The provisions of this article provide the minimum requirements for the design and installation of automatic sprinkler systems in all occupancies, except for 1- and 2-family dwellings.

1600.2. Installations. Installations shall be in compliance with the provisions of the ~~mechanical~~ code. Fire suppression systems shall be in compliance with the provisions of the building code and shall be installed in accordance with the code and NFPA-13-~~1996~~**2002**, NFPA-13D-~~1996~~**2002**, NFPA-13R-~~1996~~**2002**, and NFPA-24-2002 installation of sprinkler systems, installation of sprinkler systems in 1- and 2-family dwellings and manufactured homes, and installation of sprinkler systems in residential occupancies up to 4 stories in height, standards of the national fire protection association listed in chapter ~~16~~**15**.

NOTICE OF PUBLIC HEARING

DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
NOTICE OF PUBLIC HEARING

Mechanical Code Rules (SOAHR# 2006-004 LG)

The Department of Labor & Economic Growth, Bureau of Construction Codes will hold a public hearing on Wednesday, January 17, 2007, at 9:30 a.m., 2501 Woodlake Circle, Okemos, MI 48864, in conference room 3, 1st floor. The proposed effective date of each of the rule sets listed above is September 1, 2007.

The public hearing is to receive public comments on the proposed amendments to the administrative rules noted above, which are revised to update the codes to the 2005 national electrical code standards and the 2006 international mechanical and plumbing code standards. Testimony will be taken for each rule set in the order the rules are listed above. Individuals who are not present during testimony for a particular rule set will be provided an opportunity to testify after final testimony on the Electrical code rule set. The hearing is being conducted by the Department by authority under Section 4 of 1972 PA 230, MCL 125.1504 and Executive Reorganization Order Nos. 1996-2 and 2003-1, MCL 445.2001 and 445.2011.

The proposed rules will be published in the January 1, 2007, edition of the *Michigan Register*. Copies of the proposed amendments to the rules may be obtained for a fee of \$3.00 per rule set by submitting a check or money order, made payable to the State of Michigan, to the Bureau at the address below. You may download a free copy of the proposed amendments by visiting our website at www.michigan.gov/bcc. The amendments are located under the What's New section.

Oral or written comments may be presented in person at the hearing on January 17, 2007, or submitted in writing by mail, e-mail, or facsimile no later than 5:00 p.m., January 17, 2007. If your presentation is in written form, please provide a copy to the court reporter at the conclusion of your testimony.

Department of Labor & Economic Growth
Bureau of Construction Codes
Office of Administrative Services
P.O. Box 30254
Lansing, MI 48909
Telephone (517) 335-2972
Facsimile (517) 241-9570
smmatsu@michigan.gov

Be sure all cellular telephones and pagers are turned off or set to vibrate during the hearing.

The meeting site is accessible, including handicapped parking. People with disabilities requiring additional accommodations in order to participate in the meeting should call Tracie Pack at 517-335-2972 (voice) or 517-322-5987 (TTY) at least 14 workdays prior to the hearing.

PROPOSED ADMINISTRATIVE RULES

SOAHR 2006-005

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on
These rules take effect

(By authority conferred on the director of the department of labor and economic growth by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 1996-2 and 2003-1, MCL 445.2001 and 445.2011)

Draft November 13, 2006

R 408.30701, R 408.30716, R 408.30717, R 408.30718, R 408.30719, R 408.30720, R 408.30723, R 408.30725c, R 408.30730, R 408.30735, R 408.30741c, R 408.30749, R 408.30758, R 408.30771, R 408.30785, and R 408.30791 of the Michigan Administrative Code are amended, and R 408.30731 is added to the Code as follows:

PART 7. PLUMBING CODE

AMENDMENTS AND ADDITIONS TO BASIC PLUMBING CODE

R 408.30701 Applicable code.

Rule 701. Rules governing the installation, replacement, alteration, relocation, and use of plumbing systems or plumbing materials shall be those contained in the international plumbing code, 2003~~6~~ edition, including appendices B, C, D, F, and G, except for sections 103.2, 103.4, 104.2, 106.6.1, 106.6.2, 106.6.3, 107.1.2, 107.1.2.1, 107.1.2.2, 107.1.2.3, 109.2 to 109.7, 312.1.1, 602.3 to 602.3.5.1, 604.11, 608.17 to 608.17.8, 708.3.2, 708.3.6, 1106.6, and table 1106.6. With the exceptions noted, the code is adopted in these rules by reference. All references to the International Building Code, International Residential Code, International Energy Conservation Code, International Electrical Code, International Mechanical Code, and International Plumbing Code mean the Michigan Building Code, Michigan Residential Code, Michigan Uniform Energy Code, Michigan Electrical Code, Michigan Mechanical Code, and Michigan Plumbing Code respectively. The code is available for inspection at the Okemos office of the Michigan department of ~~consumer and industry services~~**labor & economic growth**, bureau of construction codes ~~and fire safety~~. The code may be purchased from the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, or from the Michigan Department of ~~Consumer and Industry Services~~**Labor & Economic Growth**, Bureau of Construction Codes ~~and Fire Safety~~, 2501 Woodlake Circle, Okemos, Michigan 48864, at a cost as of the time of adoption of these rules of ~~\$45.00~~**\$50.00** each.

R 408.30716 Fees.

Rule 716. Section 106.6 of the code is amended to read as follows:

Rule 106.6. Fees. The fees prescribed by ~~the act section 22 of 1972 PA 230, MCL 125.1522~~ shall be paid to the enforcing agency of the jurisdiction before a permit to begin work for new construction, alteration, removal, demolition, or other building operation may be issued. In addition, an amendment to a permit necessitating an additional fee shall not be approved until the additional fee is paid.

R 408.30717 Duties and powers of ~~the~~ code official.

Rule 717. Sections 104.1 and 104.5 of the code are amended to read as follows:

104.1 General. The code official shall enforce all of the provisions of the code and shall act on any question relative to the installation, alteration, repair, maintenance, or operation of all plumbing systems, devices, and equipment except as specifically provided for by statutory requirements or as provided for in sections 104.3 through 104.8.

104.5. Right of entry. In the discharge of duties, the code official may enter any building, structure, or premises in the jurisdiction to enforce the provisions of the act and the code ~~under section 12 of 1972 PA 230, MCL 125.1512~~.

R 408.30718 Violation penalties.

Rule 718. Section 108.4 of the code is amended to read as follows:

108.4. Violation penalties. A person who violates a provision of the code, who fails to conform with any of the requirements thereof, or who erects, installs, alters, or repairs plumbing work in violation of the approved construction documents or directive of the enforcing agency, or a permit or certificate issued under the provisions of the code shall be assessed a fine in accordance with ~~the act section 23 of 1972 PA 230, MCL 125.1523~~ and 2002 PA 733, MCL 338.3511 et seq.

R 408.30719 Stop work orders.

Rule 719. Section 108.5 of the code is amended to read as follows:

108.5. Stop work orders. Upon notice from the enforcing agency of work on any plumbing system that is being done contrary to the provisions of the code or in a dangerous or unsafe manner, the work shall immediately cease. Notice shall be in accordance with ~~the act section 12 of 1972 PA 230, MCL 125.1512~~. A person who is served with a stop work order, except for work that the person is directed to perform to remove a violation or unsafe condition is subject to the penalty provisions prescribed by ~~the act section 23 of 1972 PA 230, MCL 125.1523~~.

R 408.30720 Means of appeal.

Rule 720. Section 109.1 of the code is amended to read as follows:

109.1 Means of appeal. **An interested person has the right to appeal a decision of the enforcing agency to the board of appeals in accordance with the act.** An application for appeal shall be based on a claim that the true intent of the code or the rules governing construction have been incorrectly interpreted, the provisions of the code do not apply, or an equal or better form of construction is proposed. **The decision of a local board of appeals may be appealed to the construction code commission in accordance with the act and time frames.** ~~The application shall be filed in accordance with section 14 of 1972 PA 230, MCL 125.1514.~~

R 408.30723 ~~Shower Valves~~ **Distance of trap from vent.**

Rule 723. Section ~~906.1 424.3~~ of the code is amended to read as follows:

~~424.3. Shower valves. Shower and tub-shower combination valves shall be balanced pressure, thermostatic or combination balanced pressure/thermostatic valves that conform to the requirements of~~

~~ASSE 1016 or CAS B125. Valves shall be equipped with a means to limit the maximum setting of the valve to 120°F (49°C), which shall be field adjusted in accordance with the manufacturer's instructions. The ASSE 1016 standard which is adopted by reference in these rules is available for inspection at the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes and Fire Safety, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the American Society of Sanitary Engineering, 901 Canterbury Road, Suite A, Westlake, Ohio 44145, at a cost as of the time of adoption of these amendatory rules of \$40.00. The CSA B125 which is adopted by reference in these rules is available for inspection at the Michigan Department of Consumer and Industry Services or from the Canadian Standards Association 5060 Spectrum Way, Mississauga, Ontario, Canada L4W 5N6 at a cost as of the time of adoption of these amendatory rules of \$68.00.~~

906.1 Distance of trap from vent. Each fixture trap shall have a protecting vent located so that the slope and the developed length in the fixture drain from the trap weir to the vent fitting are within the requirements in table 906.1.

R 408.30725c ~~Urinal partitions.~~ **Venting of fixture drains.**

Rule 725c. Section **906.2 of the code is amended to read as follows:** ~~310.5 is added to the code to read as follows:~~

~~310.5. Urinal partitions. Each urinal that is used by the public or by employees shall be separated by a partition, wall, or water closet privacy compartment on each side to secure privacy.~~

~~Exception: If a urinal that is not required is installed in a room which is intended for a single occupant and which has a door that can be locked from the inside, then separate privacy partitions are not required.~~

906.2 Venting of fixture drains. The vent for a fixture drain, except where serving a fixture with integral traps, such as water closets, shall connect above the weir of the fixture trap being vented.

R 408.30730 Sewer required.

Rule 730. Section 701.2 of the code is amended to read as follows:

701.2. Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer, where available, or an approved private sewage disposal system.

R 408.30731. Laundries.

Rule 731. Section 1003.6 of the code is amended to read as follows:

1003.6 Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the drainage system of solids 0.5 inch (12.7 mm) or larger in size, string, rags, buttons or other materials detrimental to the public sewage system.

R 408.30735 Hot water supply required.

Rule 735. Section 607.1 of the code is amended to read as follows:

607.1. Where required. (1) In residential occupancies, hot water shall be supplied to all plumbing fixtures and equipment utilized for bathing, washing, culinary purposes, cleansing, laundry or building maintenance. In nonresidential occupancies, hot water shall be supplied for culinary purposes, cleansing, laundry or building maintenance purposes. In nonresidential occupancies, hot water or tempered water shall be supplied for bathing and washing purposes. Tempered water shall be supplied through a water temperature limiting device that conforms to ASSE 1070, as referenced in chapter 13 of the code, and shall limit the tempered water to a maximum of 110

degrees Fahrenheit (43 degrees Celsius). This provision shall not supersede the requirement for protective shower valves in accordance with section 424.3 of the code.~~In occupied structures, hot water shall be supplied to all plumbing fixtures and equipment utilized for bathing, hand washing, washing, culinary purposes, cleansing, laundry, or building maintenance.~~

~~Exceptions:~~

~~1. In nonresidential occupancies, hot water or tempered water shall be supplied for bathing and hand washing purposes.~~

~~2. Tempered water shall be supplied to bathing and hand washing facilities in the occupancies identified in subdivisions (a) to (h) of this exception through a control valve that conforms to ASSE 1016, the standard of the American society of sanitary engineering, which is adopted in these rules by reference. The standard may be purchased from the American Society of Sanitary Engineering, 901 Canterbury Road, Suite A, Westlake, Ohio 44145, at a cost as of the time of adoption of these rules of \$40.00 each, or from the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, at a cost as of the time of adoption of these rules of \$40.00 each, plus mailing costs. This standard may be inspected at the Okemos office of the Michigan department of consumer and industry services.~~

(2) Tempered water shall be supplied to bathing and hand washing facilities in the occupancies identified in subdivisions (a) to (h) of this subrule by individual water temperature limiting devices to individual fixtures.

- (a) Elementary schools.
- (b) Child care centers.
- (c) Day care centers.
- (d) Nurseries.
- (e) Adult group homes.
- (f) Adult congregate homes.
- (g) Children's camps.
- (h) At accessible plumbing fixtures.

R 408.30741c Connections to automatic fire sprinkler systems and standpipe systems.~~Beverage dispensers.~~

Rule 741c. Section 608.16.4 of the code is amended to read as follows:

608.16.4 Connections to automatic fire sprinkler systems and standpipe systems. The potable water supply to automatic fire sprinkler systems and standpipe systems shall be protected against backflow by a double check-valve assembly or a reduced pressure principle backflow preventer.

Exception: Isolation of the water distribution system is not required for deluge, preaction, or dry pipe systems.

R 408.30749 Individual venting required.~~Special equipment; water supply protection.~~

Rule 749. Section ~~906.4~~ **608.3.1 of the code is amended to read as follows:**~~is added to the code to read as follows:~~

~~906.4. Individual venting is required. If fixtures other than water closets discharge into only a 3-inch horizontal branch downstream from a water closet, then each fixture connecting less than 54 inches downstream from the water closet flange shall be individually vented.~~ **608.3.1. The water supply for hospital fixtures shall be protected against backflow with a reduced pressure principle backflow preventer, an atmospheric or spill-proof vacuum breaker, or an air gap. Vacuum breakers for bedpan washer hoses, autopsy tables and hose connections in health care or laboratory areas shall not be located less than 6 feet (1829 mm) above the floor.**

R 408.30758 Minimum number of fixtures.

Rule 758. Section 403.1 of the code is amended to read as follows:

403.1. Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in Table 403.1. Types of occupancies not shown in Table 403.1 shall be considered individually by the code official. The number of occupants shall be determined in accordance with the Michigan building code. Occupancy classification shall be determined in accordance with the Michigan building code.

Exceptions:

1. The actual number of occupants determined by a supporting affidavit from the owner or agency.
2. Hand washing sinks in food service establishments shall be provided in accordance with the requirements of **regulation no. 553, food establishments, R 285.553.1 to R 285.553.26** of the Michigan department of agriculture.
3. Toilet facilities for public swimming pools shall be provided in accordance with the requirements of **public swimming pools, R 325.2111 to R 325.2199** of the Michigan department of environmental quality.
4. Toilet facilities for child care center, day care center and nursery school facilities shall be provided in accordance with the requirements of **child day care licensing – child care centers, R 400.5101 to R 400.5940** of the Michigan ~~department of human services.~~~~department of consumer and industry services.~~
5. Toilet facilities for children's camps shall be provided in accordance with the requirements of **children's and adult foster care camps, R 400.11101 to R 400.11319** of the Michigan department of ~~human services.~~~~consumer and industry services.~~

R 408.30777 Scope; water service; distance limits; method of installations.

Rule 777. Section 601.1 of the code is amended to read as follows:

601.1. Scope. The provisions of this article shall control the design and installation of water supply systems, both hot and cold. Refer to 1976 PA 399, MCL 325.1001 et seq., for additional requirements on water supply systems pertaining to establishments that are subject to regulation or licensure, or both, by the department of environmental quality.

Compliance with the provisions of this article, however, does not relieve any person from complying with the additional requirements imposed upon water supply systems pursuant to authority vested in the Michigan department of environmental quality under 1976 PA 399, MCL 325.1001 et seq., 1976 PA 368, MCL 333.1101 et seq., and 1987 PA 96, MCL 125.2301 et seq., or other applicable provisions of state law.

R 408.30785 **Requirements for discharge piping.**~~Discharge.~~

Rule 785. Section 504.6-4 of the code is amended to read as follows:

~~504.6-4.~~ **Requirements for discharge piping.**~~Discharge.~~

~~Relief valve discharge pipe shall be rigid pipe approved for water distribution with a rating of 210 degrees Fahrenheit.~~

~~—The discharge piping shall be the same diameter as the relief valve outlet and shall drain by gravity flow. Valves shall not be connected in the relief valve discharge pipe. Relief valves shall not discharge so as to be a hazard, a potential cause of damage, or a nuisance. Discharge pipe from relief valves shall terminate atmospherically not more than 4 inches from the floor with an unthreaded end.~~ **(1) Relief valves shall not discharge so as to be a hazard, a potential cause of damage, or a nuisance. A relief**

valve discharge pipe shall be provided for each individual relief valve and shall meet all of the following:

- (a) Shall terminate atmospherically not more than 4 inches (1220 mm) from the floor with an unthreaded end.
 - (b) Shall not be interconnected.
 - (c) Valves shall not be connected in the relief valve discharge pipe.
 - (d) Shall be rigid pipe approved for water distribution, with a minimum temperature rating of 210 degrees Fahrenheit.
 - (e) Shall have the same nominal inside diameter as the relief valve outlet and shall drain by gravity flow.
- (2) The outlet of a pressure, temperature or other relief valve shall not be directly connected to the drainage system.

R 408.30791 Definitions.

Rule 791. Section 202 of the code is amended to amend the definition of code official and add the definitions of **the act** and plumbing contractor.

“Act” means 1972 PA 230, MCL 125.1501 and known as the Stille-DeRossett-Hale single state construction code act.

“Code official” means the person appointed and employed by a governmental subdivision charged with the administration and enforcement of the state code or codes and registered in accordance with the requirements of 1986 PA 54, MCL 338.2301 et seq.

"Plumbing contractor" means a person who is licensed in accordance with 2002 PA 733, MCL 338.3511 ~~et seq.~~

NOTICE OF PUBLIC HEARING

DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
NOTICE OF PUBLIC HEARING

Plumbing Code Rules (SOAHR# 2006-005 LG)

The Department of Labor & Economic Growth, Bureau of Construction Codes will hold a public hearing on Wednesday, January 17, 2007, at 9:30 a.m., 2501 Woodlake Circle, Okemos, MI 48864, in conference room 3, 1st floor. The proposed effective date of each of the rule sets listed above is September 1, 2007.

The public hearing is to receive public comments on the proposed amendments to the administrative rules noted above, which are revised to update the codes to the 2005 national electrical code standards and the 2006 international mechanical and plumbing code standards. Testimony will be taken for each rule set in the order the rules are listed above. Individuals who are not present during testimony for a particular rule set will be provided an opportunity to testify after final testimony on the Electrical code rule set. The hearing is being conducted by the Department by authority under Section 4 of 1972 PA 230, MCL 125.1504 and Executive Reorganization Order Nos. 1996-2 and 2003-1, MCL 445.2001 and 445.2011.

The proposed rules will be published in the January 1, 2007, edition of the *Michigan Register*. Copies of the proposed amendments to the rules may be obtained for a fee of \$3.00 per rule set by submitting a check or money order, made payable to the State of Michigan, to the Bureau at the address below. You may download a free copy of the proposed amendments by visiting our website at www.michigan.gov/bcc. The amendments are located under the What's New section.

Oral or written comments may be presented in person at the hearing on January 17, 2007, or submitted in writing by mail, e-mail, or facsimile no later than 5:00 p.m., January 17, 2007. If your presentation is in written form, please provide a copy to the court reporter at the conclusion of your testimony.

Department of Labor & Economic Growth
Bureau of Construction Codes
Office of Administrative Services
P.O. Box 30254
Lansing, MI 48909
Telephone (517) 335-2972
Facsimile (517) 241-9570
smmatsu@michigan.gov

Be sure all cellular telephones and pagers are turned off or set to vibrate during the hearing.

The meeting site is accessible, including handicapped parking. People with disabilities requiring additional accommodations in order to participate in the meeting should call Tracie Pack at 517-335-2972 (voice) or 517-322-5987 (TTY) at least 14 workdays prior to the hearing.

NOTICE OF PUBLIC HEARING

SOAHR 2006-041

NOTICE OF PUBLIC HEARING

**MICHIGAN DEPARTMENT OF AGRICULTURE
OFFICE OF RACING COMMISSIONER**

The Michigan Department of Agriculture, Office of Racing Commissioner, will conduct a public hearing on Friday, January 5, 2007, beginning at 10:00 a.m., in the Con Con A and B Conference Rooms, Constitution Hall, 525 W. Allegan Street, Lansing, MI 48933. The hearing will be held to receive comments on proposed changes to the Racing Commissioner General Rules to:

Revise the current definition of “Mutuel Entry” which requires that 2 or more horses in a race that are either owned wholly or partly by the same owner(s) or are trained by the same trainer must be coupled together as a single betting interest in that race. The proposed rules would either eliminate or make optional the requirements for coupling of same trainers in the definition of “Mutuel Entry,” the pertinent rules for Thoroughbred and Standardbred racing breeds and the rules for wagers that prohibit uncoupling as a condition of the wager being offered.

Change from 30 days to 45 days the current racing eligibility requirement for Thoroughbred and Standardbred horses to have started, or been charted, within 30 days of their next race.

Written comments may be submitted by 5:00 p.m. on January 5, 2007, to the address below.

The proposed revisions to the Racing Commissioner General Rules are being promulgated to offer Michigan horse owners, trainers and tracks the opportunity to compete more fairly with other racing jurisdictions by providing more opportunities for both Michigan horses and tracks to offer better racing programs for more and better horses and additional revenue.

The rules [Rule Set 2006-041 AC] are published on the Michigan Government website at http://www.michigan.gov/cis/0,1607,7-154-10576_35738_5695---,00.html and in the December 1, 2006 issue of the *Michigan Register*. Copies of the draft rules may also be obtained by mail or electronic submission by contacting:

The Office of Racing Commissioner
P.O. Box 30773
Lansing, MI 48909-8273
Telephone: (517) 335-1420
Fax: (517) 241-3018
E-mail: christopherk@michigan.gov

Persons needing accommodations for effective participation in the meeting should contact the Office of Racing Commissioner at (517) 335-1420, a week in advance to request mobility, visual, hearing, or other assistance.

Promulgation of these rules is pursuant to the authority conferred on the Racing Commissioner by the Horse Racing Law of 1995, 1995 PA 279, Section 7(1), as amended (MCL §431.301et seq.) These rules are proposed to go into effect immediately after filing with the Secretary of State.

Date: December 6, 2006

Christine White, Racing Commissioner

PROPOSED ADMINISTRATIVE RULES

SOAHR 2006-071

DEPARTMENT OF LABOR & ECONOMIC GROWTH

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Filed with the Secretary of State on

These rules take effect immediately upon filing with the Secretary of State

(By authority conferred on the director of the department of labor and economic growth by sections 14 and 24 of 1974 PA 154 and Executive Reorganization Order Nos. 1996-1, 1996-2, and 2003-18, MCL 408.1014, 408.1024, 330.3101, 445.2001, and 445.2011)

Draft September 11, 2006

R 325.60052 of the Michigan Administrative Code is amended as follows:

PART 451. RESPIRATORY PROTECTION

R 325.60052 Adoption by reference of federal standard.

Rule 2. (1) The federal occupational safety and health administration's regulations on respiratory protection promulgated by the United States department of labor and codified at 29 C.F.R. §1910.134, respiratory protection, **and effective November 22, 2006, are adopted by reference in these rules as of the effective date of these rules. The federal rule was first promulgated on January 8, 1998, and corrections appearing changes appeared in the Federal Register on pp. 20098 to 20099, April 23, 1998 and on pp. 46993, August 4, 2004, and The final rule appeared in the Federal Register on pp. 50187 to 50188, August 24, 2006 are adopted by reference in these rules as of the effective date of these rules.**

(2) The adopted federal regulations shall have the same force and effect as a rule promulgated under 1974 PA 154, MCL 408.1001.

(3) The adopted federal regulations are available without cost as of the time of adoption of these rules from the United States Department of Labor, OSHA, **315 West Allegan, Room 315** ~~801 South Waverly, Room 306~~, Lansing, Michigan **48933** ~~48917~~ or via the internet at website: www.osha.gov, or from the Michigan Department of Labor and Economic Growth, MIOSHA Standards Section, P.O. Box 30643, Lansing, Michigan 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2006 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2006 SESSION)**

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
1	4718		Yes	2/2	2/3	2/3/2006 #	Highways; name; portion of M-54 in Genesee county; rename the "Marine Corps League Memorial Highway", and a portion of M-54 in part of Genesee county rename "UAW Sitdown Strike Memorial Highway". (Rep. J. Gleason)
2		624	Yes	2/2	2/3	2/3/2006 #	Highways; name; renaming a portion of US-24; designate as the "10th Mountain Division", and a portion of M-3 as the "Ronald W. Reagan Memorial Highway". (Sen. L. Toy)
3	5039		Yes	2/2	2/3	2/3/06	Counties; other; medical examiner; revise appointment procedures. (Rep. T. Casperson)
4		956	Yes	2/3	2/3	2/3/06 +	Appropriations; zero budget; supplemental appropriations; provide for fiscal year 2005-2006. (Sen. T. Stamas)
5	4244		Yes	2/3	2/3	2/3/06	Taxation; administration; right to an informal conference; clarify. (Rep. S. Hummel)
6	5356		Yes	2/3	2/3	10/1/06	Taxation; administration; requirement for auditors to identify refund opportunities; provide for. (Rep. L. Wenke)
7	5357		Yes	2/3	2/3	10/1/06	Taxation; administration; right to claim credit amounts as an offset against debt amounts in an audit; provide for. (Rep. T. Meyer)

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*** - See Act for applicable effective date.

+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
8	5358		Yes	2/3	2/3	10/1/06	Taxation; administration; procedure to challenge audit determinations that result in a refund; provide for. (Rep. L. Wenke)
9	5359		Yes	2/3	2/3	10/1/06	Taxation; administration; procedure to allow a taxpayer who is in informal conference to convert an assessment challenge to a claim for refund; provide for. (Rep. J. Emmons)
10	5360		Yes	2/3	2/3	10/1/06	Taxation; administration; informal conference; provide procedures for informal conference to be considered denied. (Rep. R. Jones)
11	5361		Yes	2/3	2/3	10/1/06	Taxation; administration; filing period for informal conference; extend. (Rep. J. Marleau)
12	5362		Yes	2/3	2/3	2/3/06	Taxation; administration; taxpayer right to rely on bulletins and private letter rulings from department of treasury; provide for. (Rep. L. Drolet)
13	5364		Yes	2/3	2/3	2/3/06	Property tax; appeals; clerical error and mutual mistake of fact; revise application and definition. (Rep. K. Green)
14		788	Yes	2/9	2/9	2/9/06	Agriculture; equipment; lights for certain farm equipment; require. (Sen. R. Jelinek)
15		366	Yes	2/9	2/9	2/9/06	Recreation; state parks; posting at park entrances whether or not hunting or firearm usage is allowed within the state park; require. (Sen. V. Garcia)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
16	5281		Yes	2/9	2/9	2/9/06	Drains; other; representation of communities on certain intercounty drainage boards; provide for. (Rep. E. Gaffney)
17	4855		Yes	2/9	2/9	2/9/06	Sales tax; exemptions; parts installed on non-Michigan-based or foreign registered aircraft; provide for, and exempt the sale of certain aircraft located in Michigan temporarily. (Rep. M. Nofs)
18	4856		Yes	2/9	2/9	2/9/06	Use tax; exemptions; parts installed on non-Michigan-based or foreign registered aircraft; provide for, and exempt the sale of certain aircraft located in Michigan temporarily. (Rep. L. Wenke)
19	5104		Yes	2/9	2/9	11/9/06	Traffic control; speed restrictions; speed limits for trucks; increase maximum speed limit for certain trucks to 60 miles per hour on certain freeways. (Rep. B. Caswell)
20		736	Yes	2/9	2/9	2/9/06	Corrections; jails; expense of inmate medical care; require sheriff to draw on inmate's health care policy before county is charged. (Sen. M. Goschka)
21	5559		Yes	2/14	2/14	2/14/06 #	Economic development; Michigan economic growth authority; definition of facility; modify. (Rep. S. Hummel)

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22		579	Yes	2/14	2/14	2/14/06 #	Economic development; plant rehabilitation; filing date of an application for an industrial facilities exemption; revise. (Sen. J. Gilbert)
23		310	Yes	2/16	2/16	2/16/06	Recreation; other; health clubs; require automatic external defibrillators and plans to address medical emergencies. (Sen. G. Jacobs)
24	4670		Yes	2/16	2/16	2/16/06	Occupations; physicians; special volunteer license for retired physicians; provide for. (Rep. G. Newell)
25	5375		Yes	2/16	2/16	2/16/06 #	Torts; immunity; retired physicians providing volunteer health care for medically indigent individuals; provide immunity for. (Rep. G. Newell)
26	5168		Yes	2/16	2/17	2/17/06 #	Health; occupations; criminal history check on applicants seeking a health professional license; require and provide for under certain circumstances. (Rep. P. Zelenko)
27	5448		Yes	2/16	2/17	2/17/06 #	Mental health; other; background check before employing, contracting with, or granting clinical privileges to certain individuals; require. (Rep. B. Vander Veen)
28		621	Yes	2/16	2/17	2/17/06 #	Health facilities; other; criminal background check for employees of certain health care facilities; revise. (Sen. P. Birkholz)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
29		622	Yes	2/16	2/17	4/1/06 #	Human services; adult foster care; criminal background check for employees of adult foster care facilities; revise and eliminate grandfather provision. (Sen. T. Stamas)
30		351	Yes	2/22	2/23	7/1/06	Health; occupations; registration of acupuncturists; provide for. (Sen. B. Hammerstrom)
31		794	Yes	2/22	2/23	2/23/06	Health; testing; creation of a newborn screening quality assurance advisory committee and reporting of infant hearing testing and screening under certain circumstances; provide for. (Sen. T. George)
32	5471		Yes	2/22	2/23	2/23/06	Economic development; other; economic opportunity zone in brownfield redevelopment financing act; create. (Rep. D. Hildenbrand)
33		850	Yes	2/22	2/28	2/28/06 #	Water; conservation; regulation of water withdrawals; provide for. (Sen. P. Birkholz)
34		851	Yes	2/22	2/28	2/28/06 #	Water; conservation; groundwater conservation advisory council; expand membership and make recommendations on the development of a water withdrawal assessment tool. (Sen. B. Patterson)
35		852	Yes	2/22	2/28	2/28/06 #	Water; conservation; water withdrawal registration and reporting requirements; modify. (Sen. G. Van Woerkom)
36		854	Yes	2/22	2/28	2/28/06 #	Water; conservation; water users committees; provide to assess impacts of water withdrawals. (Sen. R. Basham)

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
37		857	Yes	2/22	2/28	2/28/06 #	Water; conservation; certain public water supply systems; consider impacts on natural resources. (Sen. L. Brater)
38	4606		Yes	3/2	3/2	3/2/06	Health; medical records; health facilities' compliance with HIPAA regulations regarding the release of certain personal health information; provide for. (Rep. S. Adamini)
39	4544		Yes	3/2	3/2	5/31/06	Vehicles; equipment; provisions regarding possession by certain individuals, and use during commission of a crime, of a radio receiving set capable of receiving signals sent on frequencies assigned to police and other government agencies; prohibit and provide penalties. (Rep. K. Elsenheimer)
40	4727		Yes	3/2	3/2	3/2/06 #	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of using certain radio receiving sets capable of receiving signals sent on frequencies assigned to police and other government agencies to commit crime; enact. (Rep. K. Elsenheimer)
41	5247		Yes	3/2	3/2	3/2/06	Occupations; health care professions; physician, physician's assistant, or certified nurse practitioner to conduct physical examination and certify a medical statement for preplacement assessments for adoptions; allow. (Rep. B. Vander Veen)

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42	5498		Yes	3/2	3/2	3/2/06	Gaming; horse racing; money in the Michigan agriculture equine industry development fund; provide for payment into the general fund. (Rep. C. Kolb)
43		561	Yes	3/2	3/2	3/2/06	Torts; immunity; "Good Samaritan" law provisions relating to national ski patrol system; revise. (Sen. M. McManus)
44		751	Yes	3/2	3/2	3/2/06	Businesses; associations; corporations formed by summer resort owners; clarify majority vote requirement for member approval. (Sen. J. Allen)
45		658	Yes	3/2	3/2	3/2/06	Businesses; associations; summer resort and assembly associations act; expand amount of land allowed. (Sen. J. Allen)
46		128	Yes	3/2	3/2	1/1/07	Criminal procedure; sex offender registration; notification by e-mail to certain individuals when a registered sex offender relocates into or within a certain proximity of a zip code; require. (Sen. A. Sanborn)
47	5321		Yes	3/9	3/9	3/9/06	Businesses; business corporations; delivery of notices and other communications to shareholders who share a common address; allow delivery of single copy to common address. (Rep. J. Emmons)

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48	5331		Yes	3/9	3/9	3/9/06	Occupations; health care professions; certified nurse practitioners and physicians' assistants to authorize administration of medications in schools; provide for. (Rep. R. Ball)
49	5245		Yes	3/9	3/9	3/9/06	Occupations; health care professions; licensed physician's assistant and certified nurse practitioner to perform court ordered physical examinations; allow. (Rep. D. Robertson)
50	5248		Yes	3/9	3/9	3/9/06	Occupations; health care professions; required medical examiner's certificate to operate a commercial motor vehicle; clarify medical examiner includes a physician's assistant and a certified nurse practitioner. (Rep. L. Wojno)
51	5398		Yes	3/9	3/9	3/9/06	Human services; foster parents; medical statement required for licensure or certification as foster parents; authorize physician or certified nurse practitioner to complete. (Rep. K. Green)
52		569	Yes	3/9	3/9	3/9/06	Income tax; credit; population requirement for historic preservation tax credit; eliminate. (Sen. J. Allen)
53		570	Yes	3/9	3/9	3/9/06	Single business tax; credit; population requirement for historic preservation tax credit; eliminate. (Sen. J. Allen)

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54	4893		Yes	3/9	3/9	12/1/06	Occupations; athletics; licensure of athletic trainers; provide for. (Rep. E. Gaffney)
55	5624		Yes	3/9	3/9	3/9/06	Insurance; other; valuing of assets of domestic insurers; provide for. (Rep. J. Hune)
56		783	Yes	3/9	3/13	3/13/06 #	Environmental protection; solid waste; foreign waste; require return to country of origin if illegally disposed of in Michigan. (Sen. M. Bishop)
57	5176		Yes	3/9	3/13	3/13/06	Environmental protection; solid waste; foreign municipal solid waste; prohibit disposal of. (Rep. D. Acciavatti)
58	5177		Yes	3/9	3/13	3/13/06 #	Environmental protection; solid waste; foreign municipal solid waste; provide penalty for violation of disposal prohibition. (Rep. P. Pavlov)
59	5178		Yes	3/9	3/13	3/13/06 #	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of importing solid waste from a foreign country; enact. (Rep. D. Palsrok)
60		1024	Yes	3/16	3/20	6/1/06 #	Crimes; other; willfully and maliciously damaging, destroying, or preventing access to electronic medium of communication; prohibit and provide penalties. (Sen. B. Hardiman)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
61	5043		Yes	3/16	3/20	6/1/06	Crimes; malicious destruction; unlawfully damaging, destroying, using, or obstructing use of electronic medium of communication; prohibit and provide a penalty. (Rep. T. Schuitmaker)
62	5044		Yes	3/16	3/20	6/1/06 #	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of unlawfully damaging, destroying, using, or obstructing use of electronic medium of communication; enact. (Rep. T. Schuitmaker)
63	5316		Yes	3/16	3/20	3/20/06	Businesses; business corporations; provision providing for dissolution by court judgment; make technical amendments. (Rep. L. Wenke)
64	5317		Yes	3/16	3/20	3/20/06	Businesses; business corporations; certain amendments to articles of incorporation; require to be initiated by the board of directors. (Rep. W. Huizenga)
65	5318		Yes	3/16	3/20	3/20/06	Businesses; business corporations; creation of subcommittees of board committees; authorize. (Rep. L. Mortimer)
66	5319		Yes	3/16	3/20	3/20/06 #	Businesses; business corporations; voting by shareholders; clarify that abstaining from voting is not considered a vote. (Rep. T. Schuitmaker)

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67	5320		Yes	3/16	3/20	3/20/06 #	Businesses; business corporations; voting as a class or series; clarify that abstaining from voting is not considered a vote. (Rep. K. Elsenheimer)
68	5323		Yes	3/16	3/20	3/20/06	Businesses; business corporations; definition of willfully unfair and oppressive conduct by corporations; revise and clarify guarantee powers. (Rep. S. Tobocman)
69		839	Yes	3/16	3/20	3/20/06	Sales tax; collections; disposition of money collected; revise. (Sen. R. Emerson)
70		052	Yes	3/16	3/20	3/20/06	Economic development; other; renovations and additions; allow to qualify for tax credit. (Sen. J. Barcia)
71		1005	Yes	3/16	3/20	3/20/06	State; bonds; interest rate on certain loans; modify. (Sen. R. Jelinek)
72	5315		Yes	3/16	3/20	3/20/06	Businesses; business corporations; obligations of foreign corporations in mergers or share exchanges; revise. (Rep. J. Marleau)
73		795	Yes	3/16	3/20	3/20/06	Records; other; procedure for transmission of microfilm or electronic copies of vital records by state registrar to facilitate genealogical research; establish. (Sen. T. George)
74		960	Yes	3/16	3/20	3/20/06	Communications; telecommunications; transfer of funds from the CMRS emergency telephone fund to the general fund; provide for. (Sen. M. Switalski)

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75	4642		Yes	3/16	3/23	7/1/06	Weapons; other; licensed spouse to carry or transport another licensed spouse's inspected pistol; allow. (Rep. R. Jones)
76		959	Yes	3/23	3/24	3/24/06	State; funds; transfer of funds from the state survey and remonumentation fund to the general fund; provide for. (Sen. M. Switalski)
77	4446		Yes	3/23	3/24	3/24/06	Health; abortion; provision offering patients the opportunity to view the active ultrasound image of, and to have a picture of the ultrasound image of, the fetus prior to performing an abortion; require. (Rep. D. Robertson)
78		120	Yes	3/23	3/24	3/24/06	Criminal procedure; evidence; certain prior acts of domestic violence; allow to be admissible as evidence. (Sen. S. Johnson)
79		263	Yes	3/23	3/24	3/24/06	Crime victims; statements; hearsay rule; exempt certain statements of domestic violence victims. (Sen. B. Hammerstrom)
80	5258		Yes	3/23	3/24	3/24/06	Labor; job development; community action agency boards; eliminate conflict with departmental rules. (Rep. B. Caul)
81		318	Yes	3/28	3/28	3/28/06	Labor; hours and wages; minimum wage; increase. (Sen. R. Basham)
82	4555		Yes	3/29	3/29	3/29/06	Transportation; funds; certain portion of transportation funds earmarked for nonmotorized trails; provide for. (Rep. T. Pearce)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
83		779	Yes	3/29	3/29	3/29/06	Traffic control; traffic regulation; sunset date for weight restrictions on certain highways or roads; remove. (Sen. J. Gilbert)
84	5675		Yes	3/31	3/31	3/31/06	Education; employees; reports concerning certain convictions; clarify disclosure under freedom of information act and require measures to ensure accuracy. (Rep. R. Baxter)
85	5240		Yes	4/2	4/3	11/9/06 #	Traffic control; speed restrictions; establishment of speed limits; revise procedure and limits. (Rep. B. Palmer)
86	5241		Yes	4/2	4/3	4/3/06 #	Traffic control; speed restrictions; speed restriction amendments to Michigan vehicle code; amend pupil transportation act to reflect. (Rep. B. Palmer)
87		462	No	4/2	4/3	**	Elections; candidates; filing deadline for write-in candidates; revise to the second Friday before the election. (Sen. M. Switalski)
88		208	Yes	4/2	4/3	4/3/06	Corrections; jails; reimbursement to municipalities for costs of housing inmates; provide for. (Sen. L. Toy)
89		477	Yes	4/2	4/3	4/3/06	Campaign finance; statements and reports; electronic filing advisory board; eliminate. (Sen. J. Allen)

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90		866	Yes	4/2	4/4	4/4/06	Education; financing; procedure to consolidate special education pupil transportation services; clarify. (Sen. J. Gilbert)
91		728	Yes	4/4	4/4	4/4/06	Health; immunizations; reference to childhood immunization registry and automatic deletion of information upon child reaching the age of 20; revise to "Michigan care improvement registry" and eliminate automatic deletion. (Sen. B. Hardiman)
92	4643		Yes	4/4	4/4	7/1/06	Weapons; licensing; issuance of concealed pistol license renewal; require within certain period of time. (Rep. R. Jones)
93		371	Yes	4/2	4/4	4/4/06	Economic development; renaissance zones; tool and die recovery zone; include industrial pattern manufacturing in definition. (Sen. A. Sanborn)
94	5282		Yes	4/2	4/4	4/4/06	Education; students; career and technical preparation act; eliminate sunset. (Rep. L. Wenke)
95	4838		Yes	4/2	4/4	4/4/06	Higher education; other; higher education institutional data inventory; establish. (Rep. L. Wenke)
96		764	Yes	4/2	4/4	4/4/06	Veterans; other; "Purple Heart Monument" to honor citizens of Michigan receiving the award; create. (Sen. J. Allen)

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97		506	Yes	4/2	4/4	4/4/06	Water; quality; open water disposal of contaminated dredge materials into the waters of the state; prohibit. (Sen. D. Olshove)
98	5620		Yes	4/2	4/4	4/4/06	Veterans; other; veterans memorial park; expand boundaries. (Rep. J. Garfield)
99		883	Yes	4/2	4/6	4/6/06	Courts; judges; number of judgeships in the seventeenth judicial circuit; increase. (Sen. B. Hardiman)
100		907	Yes	4/2	4/6	4/6/06	Courts; judges; number of judgeships in various circuits; revise. (Sen. A. Cropsey)
101		925	Yes	4/2	4/6	4/6/06	Courts; circuit court; sixteenth judicial circuit; allow additional judgeship. (Sen. A. Sanborn)
102		955	Yes	4/2	4/6	4/6/06	Courts; circuit court; additional circuit judgeship in the fifty-fifth judicial circuit; provide for. (Sen. T. Stamas)
103		946	Yes	4/2	4/6	4/6/06	Courts; circuit court; additional judgeship in the sixth judicial circuit; provide for. (Sen. M. Bishop)
104	5508		Yes	4/2	4/6	4/6/06	Transportation; motor fuel tax; motor fuels quality act; revise. (Rep. P. Pavlov)
105	4161		Yes	4/7	4/7	4/7/06	Family law; child custody; provisions regarding presumption of custody and notice in acknowledgment of parentage act; modify. (Rep. J. Pastor)

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106	5256		Yes	4/7	4/7	4/7/06	Insurance; property and casualty; refusal to renew malpractice insurance policy; provide parameters for. (Rep. J. Proos)
107	5494		Yes	4/7	4/7	8/15/06 #	Transportation; school vehicles; pupil transportation act; modify. (Rep. P. Pavlov)
108		932	Yes	4/7	4/7	8/15/06 #	Transportation; school vehicles; pupil transportation act; modify. (Sen. J. Allen)
109	5497		Yes	4/7	4/7	4/7/06	Insurance;; continuing education credit requirement for limited line credit insurance; eliminate. (Rep. J. Hune)
110	4398		Yes	4/7	4/10	7/1/06	Cities; other; city and village zoning; codify. (Rep. K. Elsenheimer)
111	4733		Yes	4/7	4/10	4/10/06 #	Single business tax; credit; tax credits for certain projects; provide criteria. (Rep. R. Baxter)
112	4734		Yes	4/7	4/10	4/10/06 #	Single business tax; credit; qualification for certain projects; provide for. (Rep. K. Elsenheimer)
113		599	No	4/7	4/10	** #	Single business tax; credit; assignment of certain brownfield credits; provide for. (Sen. T. George)
114		859	Yes	4/7	4/10	4/10/06	Property tax; principal residence exemption; principal residence exemption for revocable trust of certain individuals; revise. (Sen. N. Cassis)
115		969	Yes	4/7	4/10	4/10/06	Property; conveyances; conveyance of certain property interest to Lansing community college and sale, conveyance, or exchange of certain property in Jackson county; allow. (Sen. S. Johnson)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
116		922	Yes	4/11	4/11	4/11/06 #	Economic development; renaissance zones; eligibility; designation of an additional renaissance zone. (Sen. R. Jelinek)
117	5640		Yes	4/11	4/11	4/11/06 #	Economic development; Michigan economic growth authority; "rural business" definition and certain conditions; modify. (Rep. T. Casperson)
118		327	Yes	4/14	4/14	4/14/06	Education; teachers; requirements to teach reading; revise. (Sen. N. Cassis)
119		328	Yes	4/14	4/14	4/14/06	School aid; categoricals; certain funds to be allocated to early intervention programs; allow. (Sen. B. Hardiman)
120		329	Yes	4/14	4/14	4/14/06	School aid; categoricals; grant program for early intervention programs; establish and allow certain funds for small class size to be used for early intervention programs. (Sen. N. Cassis)
121		330	Yes	4/14	4/14	4/14/06	School aid; categoricals; percentage of at-risk funds; require to be used for early intervention program in districts with a learning-disabled population above state average. (Sen. W. Kuipers)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
122	5813		Yes	4/14	4/14	4/14/06	Elections; candidates; nominating petition filing deadline for village elections; include as twelfth Tuesday before general November election. (Rep. C. Ward)
123	5606		Yes	4/20	4/20	4/20/06 #	Education; graduation requirements; certain curriculum requirements for high school graduation; prescribe and require for state accreditation. (Rep. B. Palmer)
124		1124	Yes	4/20	4/20	4/20/06 #	Education; curricula; required high school curriculum; provide for. (Sen. W. Kuipers)
125	4502		Yes	5/2	5/2	5/2/06	Agriculture; weights and measures; administrative fines, civil fines, and criminal penalties; increase. (Rep. F. Amos)
126	5199		Yes	5/2	5/2	5/2/06	Highways; name; "Philip A. Hart Memorial Highway"; expand. (Rep. P. LaJoy)
127	5643		Yes	5/2	5/2	5/2/06	Corrections; jails; time for filing civil action for reimbursement by inmates to the county for cost of imprisonment and care; extend. (Rep. B. Caul)
128	5490		Yes	5/5	5/5	5/5/06	Criminal procedure; forfeiture; deposit of forfeiture funds in a local financial institution; allow and clarify interest earned remains with forfeiture funds. (Rep. D. Law)

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129	5823		Yes	5/5	5/5	5/5/06	Crimes; penal code revision; deposit of forfeiture funds in a local financial institution; allow and clarify interest earned remains with forfeiture funds. (Rep. W. Van Regenmorter)
130	5824		Yes	5/5	5/5	5/5/06	Controlled substances; forfeiture of property; deposit of forfeiture funds in a local financial institution; allow and clarify interest earned remains with forfeiture funds. (Rep. D. Law)
131	5627		Yes	5/5	5/5	5/5/06	Liquor; licenses; certain premises where attendees consume or possess alcohol on premises for consideration; clarify licensure requirement. (Rep. T. Rocca)
132		777	Yes	5/5	5/5	5/5/06	Agriculture; other; seeds; preempt regulation of by local ordinance. (Sen. G. Van Woerkom)
133	4423		Yes	5/10	5/12	5/12/06	Consumer protection; home solicitation sales; telemarketers; prohibit leaving certain messages requesting consumers to return call. (Rep. L. Wojno)
134	4976		Yes	5/10	5/12	5/12/06	Financial institutions; generally; commissioner's authority over emergency closure of financial institutions; revise. (Rep. J. Mayes)
135	5154		Yes	5/10	5/12	5/12/06	Aeronautics; airports; distribution of parking funds; provide clarification. (Rep. B. Palmer)

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136		1035	Yes	5/10	5/12	5/12/06	Vehicles; registration; definition of wood harvester; amend to include person hauling or transporting wood harvesting equipment. (Sen. M. Prusi)
137	5336		Yes	5/10	5/12	5/12/06	State agencies (existing); community health; health information technology commission; create. (Rep. G. Newell)
138	5811		Yes	5/10	5/12	5/12/06	Consumer protection; home solicitation sales; requirement for written agreement and cancellation notice; exempt certain energy suppliers and utilities. (Rep. W. Huizenga)
139		1132	Yes	5/22	5/22	5/22/06 #	Transportation; funds; local match accelerated construction program; create. (Sen. M. Prusi)
140		1192	Yes	5/22	5/22	5/22/06 #	Transportation; funds; local match construction program; create. (Sen. J. Gilbert)
141	6003		Yes	5/22	5/22	5/22/06 #	Transportation; funds; accelerated road bonds; modify. (Rep. T. Casperson)
142	5045		Yes	5/21	5/22	5/22/06	Mobile homes; title; references to the assignment of title on the reverse side of a mobile home certificate of title; eliminate. (Rep. T. Schuitmaker)
143	5313		Yes	5/21	5/22	5/22/06	Property tax; appeals; board of review; allow township board to appoint alternate members. (Rep. H. Walker)

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144		838	Yes	5/22	5/22	5/22/06	Human services; medical services; enrollment and benefits; limit for certain individuals. (Sen. R. Emerson)
145	5144		Yes	5/21	5/22	5/22/06	Natural resources; hunting; commemorative bucks of Michigan, inc.; designate as the official record keeper of Michigan big game records. (Rep. R. Ball)
146	5554		Yes	5/21	5/22	5/22/06	Environmental protection; other; designation of a school as a "green school"; establish criteria. (Rep. J. Hune)
147	4171		Yes	5/21	5/22	7/1/06	Civil procedure; remedies; award of damages for repairs made to leased premises by landlord or tenant; allow. (Rep. J. Pastor)
148	5887		Yes	5/23	5/24	8/22/06 #	Crimes; disorderly conduct; penalties for disorderly conduct at funerals; increase. (Rep. J. Emmons)
149	5888		Yes	5/23	5/24	8/22/06 #	Criminal procedure; sentencing guidelines; sentencing guidelines for disorderly conduct at funerals; enact. (Rep. J. Gleason)
150		1171	Yes	5/23	5/24	8/22/06 #	Crimes; disorderly conduct; penalties for disorderly conduct at a funeral; provide for. (Sen. R. Basham)
151		1229	Yes	5/23	5/24	8/22/06 #	Criminal procedure; sentencing guidelines; sentencing guidelines for disorderly conduct at funerals; enact. (Sen. L. Toy)

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152		1199	Yes	5/23	5/24	5/24/06	Local government; other; issuance of permit to protest outside of any funeral home, cemetery, or location in which a funeral service or memorial is held; provide for. (Sen. J. Gilbert)
153		242	Yes	5/25	5/25	5/25/06 +	Appropriations; supplemental; supplemental appropriations; provide for fiscal years ending 2005 and 2006. (Sen. S. Johnson)
154		872	No	5/25	5/26	***	Local government; budgets; adoption of budgets process; revise. (Sen. W. Kuipers)
155		908	Yes	5/25	5/26	5/26/06	Occupations; notaries public; notary public indicating county within where he or she is acting; provide for and clarify requirement. (Sen. B. Hammerstrom)
156	5748		Yes	5/25	5/26	8/24/06 #	Criminal procedure; sentencing guidelines; sentencing guidelines for human trafficking crimes; enact. (Rep. D. Farhat)
157	5631		Yes	5/25	5/26	5/26/06 #	Health; planning; preparation of pandemic influenza plan and response to certain epidemics; require department of agriculture to cooperate with department of community health. (Rep. R. Ball)
158	5760		Yes	5/25	5/26	5/26/06	Retirement; public school employees; date reference; revise. (Rep. D. Palsrok)
159	5450		Yes	5/25	5/26	8/24/06	Crimes; kidnapping; crime of kidnapping; clarify elements. (Rep. W. Van Regenmorter)

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160	5451		Yes	5/25	5/26	8/24/06	Crimes; other; unlawful imprisonment; prohibit and prescribe penalties. (Rep. J. Proos)
161	5653		Yes	5/25	5/26	11/26/06	Occupations; physicians' assistants; practice as physician's assistant under supervision of a podiatrist; provide for. (Rep. S. Taub)
162	5747		Yes	5/25	5/26	8/24/06	Crimes; other; human trafficking; prohibit. (Rep. P. Pavlov)
163	5630		Yes	5/25	5/26	5/26/06	Health; immunizations; pandemic influenza preparedness and response plan and annual report; establish and require. (Rep. L. Mortimer)
164	5449		Yes	5/25	5/26	8/24/06 #	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of unlawful imprisonment; enact. (Rep. T. Moore)
165		709	Yes	5/29	5/30	8/28/06 #	Crimes; criminal sexual conduct; second or subsequent criminal sexual conduct violation committed by adult against a minor; provide for increased penalty under certain circumstances. (Sen. T. Stamas)
166		717	Yes	5/29	5/30	8/28/06 #	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of first degree criminal sexual conduct; revise to reflect increased penalties and to include crime of electronic monitoring violation. (Sen. L. Toy)

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167		718	Yes	5/29	5/30	8/28/06 #	Corrections; parole; parole of individual convicted of certain criminal sexual conduct violations; prohibit. (Sen. J. Gilbert)
168		1122	Yes	5/29	5/30	8/28/06 #	Corrections; parole; electronic monitoring by global positioning devices of certain sex offenders while on parole; require. (Sen. A. Sanborn)
169	5421		Yes	5/29	5/30	8/28/06 #	Criminal procedure; sentencing; mandatory minimum sentences and lifetime electronic monitoring; require for certain first degree criminal sexual conduct crimes. (Rep. P. Pavlov)
170	5422		Yes	5/29	5/30	8/28/06 #	Corrections; parole; jurisdiction of parole board over prisoner convicted of violent first degree sexual conduct against an individual less than 13 years old; revise. (Rep. P. Pavlov)
171	5531		Yes	5/29	5/30	8/28/06 #	Crimes; criminal sexual conduct; mandatory lifetime electronic monitoring of persons convicted of certain criminal sexual conduct crimes; provide for and establish penalties for tampering with electronic monitoring device. (Rep. D. Law)
172	5532		Yes	5/29	5/30	8/28/06 #	Corrections; other; lifetime satellite tracking of certain sex offenders; provide for. (Rep. D. Law)
173	5638		Yes	5/25	5/30	5/30/06 #	Transportation; railroads; midwest interstate rail compact; create. (Rep. J. Kooiman)
174	5854		Yes	5/29	5/30	5/30/06 #	Property tax; tax tribunal; appeals process; modify. (Rep. F. Sheen)

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175	6021		Yes	6/6	6/6	6/6/06	Transportation; other; public transit authority; allow taxes to be levied up to 25 years. (Rep. J. Kooiman)
176	4437		Yes	6/6	6/6	6/6/06 #	Appropriations; zero budget; supplemental appropriations; provide for fiscal year 2005-2006. (Rep. S. Hummel)
177	5607		Yes	6/6	6/6	6/6/06 #	Vehicles; registration plates; replacement of standard design registration plates; require. (Rep. P. LaJoy)
178	5979		Yes	6/6	6/6	6/6/06 #	Transportation; funds; reimbursement limitation; provide for under certain circumstances. (Rep. P. LaJoy)
179	5114		Yes	6/6	6/6	6/6/06	Natural resources; forests; removal of deed restrictions on municipal forest property conveyed by state; make technical changes. (Rep. R. Brown)
180	5354		Yes	6/6	6/6	6/6/06	Property; conveyances; conveyance of the Michigan school for the blind in Ingham county; provide for. (Rep. M. Murphy)
181	5674		Yes	6/6	6/6	6/6/06	Recreation; state parks; Mackinac Island state park commission; authorize to accept gifts and sell property. (Rep. H. Walker)
182	4138		Yes	6/6	6/9	6/9/06	Construction; housing; certain construction requirements for public assisted or funded housing; revise. (Rep. L. Wenke)
183	4778		Yes	6/12	6/12	6/12/06	Torts; immunity; liability for injuries sustained by renters and users of rented nonmotorized watercraft; clarify. (Rep. D. Palsrok)

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184	4977		Yes	6/16	6/19	6/19/06	Weapons; licensing; expiration date of concealed weapons permit; revise to individual's date of birth. (Rep. D. Hildenbrand)
185		837	Yes	6/16	6/19	6/19/06	Gaming; horse racing; money from the Michigan agriculture equine industry development fund to supplement standardbred horse race purses; revise limit. (Sen. R. Emerson)
186		1184	Yes	6/16	6/19	6/19/06	Education; financing; responsibility for special education hearing costs; prescribe. (Sen. W. Kuipers)
187	4460		Yes	6/16	6/19	6/19/06	Fire; safety drills in schools; require lockdown drills to be conducted. (Rep. W. Van Regenmorter)
188	6034		Yes	6/16	6/19	6/19/06	Economic development; Michigan economic growth authority; definition of qualified high-technology business; revise to include "or facility". (Rep. W. Huizenga)
189		1133	Yes	6/16	6/19	6/19/06 #	Fire; bureau of fire services; create in the department of labor and economic growth and transfer certain powers and duties of the state fire marshal to the newly created bureau. (Sen. M. Prusi)
190	5861		Yes	6/16	6/19	6/19/06 #	Fire; act creating Michigan state police; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Rep. J. Stahl)

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191		1134	Yes	6/16	6/19	6/19/06 #	Fire; act creating state arson strike force unit; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Sen. G. Van Woerkom)
192	5862		Yes	6/16	6/19	6/19/06 #	Fire; Stille-DeRossett-Hale single state construction code act; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Rep. J. Proos)
193		1135	Yes	6/16	6/19	6/19/06 #	Fire; Michigan aeronautics code; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Sen. M. Prusi)
194	5863		Yes	6/16	6/19	6/19/06 #	Fire; NREPA; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Rep. R. Brown)
195		1136	Yes	6/16	6/19	6/19/06 #	Fire; public health code; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Sen. G. Jacobs)
196	5864		Yes	6/16	6/19	6/19/06 #	Fire; electrical administrative act; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Rep. M. Cheeks)
197		1137	Yes	6/16	6/19	6/19/06 #	Fire; Forbes mechanical contractors act; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Sen. H. Clarke)

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198	5865		Yes	6/16	6/19	6/19/06 #	Fire; revised school code; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Rep. R. Kahn)
199		1138	Yes	6/16	6/19	6/19/06 #	Fire; construction at school buildings act; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Sen. R. Jelinek)
200	5866		Yes	6/16	6/19	6/19/06 #	Fire; social welfare act; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Rep. R. Shaffer)
201		1139	Yes	6/16	6/19	6/19/06 #	Fire; adult foster care facility licensing act; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Sen. D. Olshove)
202	5867		Yes	6/16	6/19	6/19/06 #	Fire; elevator safety board act; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Rep. B. Farrah)
203		1140	Yes	6/16	6/19	6/19/06 #	Fire; firefighters compensation act; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Sen. V. Garcia)
204	5868		Yes	6/16	6/19	6/19/06 #	Fire; motor carrier safety act; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Rep. J. Marleau)

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205		1141	Yes	6/16	6/19	6/19/06 #	Fire; act relating to public records; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Sen. L. Toy)
206	5869		Yes	6/16	6/19	6/19/06 #	Fire; child care organizations act; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Rep. M. Hood)
207		1142	Yes	6/16	6/19	6/19/06 #	Fire; mental health code; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Sen. M. Scott)
208	5870		Yes	6/16	6/19	6/19/06 #	Fire; insurance code; amend to reflect transfer of fire marshal from state police to department of labor and economic growth. (Rep. G. Polidori)
209		1143	Yes	6/16	6/19	6/19/06 #	Fire; Michigan penal code; amend to reflect transfer of duties to bureau of fire services. (Sen. B. Hardiman)
210		1144	Yes	6/16	6/19	6/19/06 #	Law enforcement; fire personnel; act providing immunity to firefighter instructors; amend to reflect amendments to fire fighters training council act. (Sen. V. Garcia)
211		1145	Yes	6/16	6/19	6/19/06 #	Law enforcement; fire personnel; act providing immunity to institutions of higher education and health facilities that train firefighters; amend to reflect amendments to fire fighters training council act. (Sen. D. Cherry)

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212	5871		Yes	6/16	6/19	6/19/06 #	Vehicles; automobiles; exemption of firefighters from group commercial motor vehicle designation requirement; revise to reflect amendment of fire fighters training council act. (Rep. C. Kolb)
213	5860		Yes	No	6/19	6/19/06 #	Fire; fire fighters training council; transfer to bureau of fire services, make state fire marshal a member, and give state fire marshal primary authority over firefighter training. (Rep. D. Farhat)
214	4271		Yes	6/21	6/21	6/21/06	Property tax; classification; agricultural operations; expand definition of livestock. (Rep. J. Hune)
215	4118		Yes	6/24	6/26	6/26/06	Education; athletics; local policy prescribing that use of performance-enhancing substances will affect a pupil's eligibility to participate in school sponsored athletics; require public schools to adopt. (Rep. D. Acciavatti)
216	4594		Yes	6/24	6/26	6/26/06	Crimes; controlled substances; drug free school zones; expand to prohibit possession of anabolic steroids within 1,000 feet of school property. (Rep. L. Mortimer)
217	4595		Yes	6/24	6/26	6/26/06	Crimes; controlled substances; drug free park zones; expand to prohibit possession of anabolic steroids within 1,000 feet of a park. (Rep. R. Ball)

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218	5962		Yes	6/24	6/26	6/26/06	Insurance; health care corporations; provision regarding compliance with health insurance portability and accountability act (HIPPA) privacy rule; include. (Rep. J. Hune)
219	4366		Yes	6/24	6/26	6/26/06	Liens; other; horseshoer's lien act; repeal. (Rep. B. Caul)
220	5036		Yes	6/24	6/26	6/26/06	Agriculture; animals; rule-making authority regarding ferrets; repeal. (Rep. R. Ball)
221	5160		Yes	6/24	6/26	6/26/06	Agriculture; products; rule-making authority; revise. (Rep. J. Sheltrown)
222	5346		Yes	6/24	6/26	6/26/06	Agriculture; other; rule-making authority regarding apiaries; revise. (Rep. J. Stahl)
223	5347		Yes	6/24	6/26	6/26/06	Agriculture; products; rule-making authority regarding organic products; revise. (Rep. J. Stahl)
224	6070		Yes	6/24	6/26	1/1/06	Single business tax; credit; brownfield credit assignment; provide for. (Rep. W. Huizenga)
225		471	Yes	6/24	6/26	6/26/06	Courts; other; state court information management commission; eliminate. (Sen. L. Toy)
226		472	Yes	6/24	6/26	6/26/06	Energy; other; Michigan superconducting super collider commission; eliminate. (Sen. W. Kuipers)
227		473	Yes	6/24	6/26	6/26/06	Records; public; enhanced access to public records joint review committee; repeal. (Sen. M. Goschka)

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228		474	Yes	6/24	6/26	6/26/06	State; funds; treasury advisory board; repeal. (Sen. V. Garcia)
229		475	Yes	6/24	6/26	6/26/06	Higher education; research; state research fund feasibility review panel; eliminate. (Sen. B. Hardiman)
230		476	Yes	6/24	6/26	6/26/06	State; funds; Michigan strategic fund, research center fund advisory committee; eliminate. (Sen. A. Sanborn)
231		478	Yes	6/24	6/26	6/26/06	State agencies (existing); boards and commissions; highway safety task force; eliminate. (Sen. R. Jelinek)
232		481	Yes	6/24	6/26	6/26/06	Courts; cyber court; legislative oversight committee on the cyber court; eliminate. (Sen. A. Cropsey)
233		816	Yes	6/24	6/26	7/1/06	Crimes; public safety; unlawfully using or tampering with a marine safety device; prohibit and provide penalties. (Sen. W. Kuipers)
234		817	Yes	6/24	6/26	7/1/06 #	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of using or tampering with marine safety device causing serious impairment or death; enact. (Sen. J. Gilbert)
235	5977		Yes	6/24	6/26	6/26/06	Education; calendar; certain exceptions from requirement that school year begin after Labor day; provide for. (Rep. J. Moolenaar)
236	5396		Yes	6/24	6/26	9/1/06	Trade; tobacco; purchase or attempt to purchase tobacco products by minors; prohibit and provide exceptions. (Rep. D. Law)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
237	5125		Yes	6/24	6/26	6/26/06	Natural resources; inland lakes; establishment of special rules on lakes; modify process. (Rep. G. Hansen)
238	5015		Yes	6/24	6/26	6/26/06	Health; diseases; hepatitis C advisory task force; establish. (Rep. R. Kahn)
239	5014		Yes	6/24	6/26	6/26/06	Health; diseases; educational materials on hepatitis C for health care workers, public safety officers, parolees, veterans, and other high-risk individuals; provide for. (Rep. K. Green)
240	6183		Yes	6/27	6/27	6/27/06	Single business tax; credit; brownfield and historic preservation credits; provide for claiming of credits accrued after the repeal of the single business tax act. (Rep. G. Steil)
241		861	Yes	6/28	6/30	6/30/06	Higher education; financial aid; Michigan merit award scholarship program; revise types of scholarships available to students. (Sen. R. Emerson)
242		1146	Yes	6/28	6/30	9/28/06	Crimes; other; penalties for knowingly or willfully concealing or harboring certain individuals; provide. (Sen. A. Cropsey)
243		1147	Yes	6/28	6/30	6/30/06 #	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of harboring a person for whom a felony warrant has been issued; enact. (Sen. G. Van Woerkom)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
244		689	Yes	6/28	6/30	6/30/06	Torts; liability; liability of fire department donating fire equipment to other fire departments; limit. (Sen. T. Stamas)
245		1120	Yes	6/30	6/30	6/30/06	Local government; public services; number of installments of special assessments authorized by cities, villages, townships, or county board of public works; increase to 40. (Sen. M. Goschka)
246		1202	Yes	6/30	6/30	6/30/06	Consumer protection; other; sale of cellular telephone records; prohibit. (Sen. B. Patterson)
247		582	Yes	6/28	7/3	7/3/06	Administrative procedure; rules; requirement for copies of administrative rules to be filed at the secretary of state; revise. (Sen. M. Bishop)
248	6110		Yes	6/28	7/3	7/3/06	Recreation; state parks; naming of certain state parks; provide for. (Rep. D. Hildenbrand)
249		1172	Yes	6/28	7/3	7/3/06	Communications; telecommunications; sunset on 9-1-1 emergency service district; extend. (Sen. C. Brown)
250	5328		Yes	6/30	7/3	7/3/06	Financial institutions; other; licensing and regulation of providers of money transmission services; provide for. (Rep. T. Hunter)
251	5329		Yes	6/30	7/3	7/3/06 #	Criminal procedure; sentencing guidelines; certain money services act violations; provide for in sentencing guidelines. (Rep. D. Palsrok)

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252	5324		Yes	6/30	7/3	7/3/06 #	Financial institutions; other; consumer financial services act; conform to new money transmission services act. (Rep. W. Huizenga)
253	5562		Yes	6/28	7/3	7/3/06	Liquor; retail sales; sale of beer and wine for takeout at certain establishments with motor vehicle pumps; revise eligibility. (Rep. K. Elsenheimer)
254		538	Yes	6/30	7/5	7/5/06	Environmental protection; funding; small business pollution prevention loans; make methane digesters and similar technologies eligible for. (Sen. C. Brown)
255		1115	Yes	6/30	7/6	1/1/07 #	Law enforcement; reports; website disclosure referencing methamphetamine sites and certain cleanup procedures; require. (Sen. T. George)
256		1116	Yes	6/30	7/6	7/6/06	Children; protection; requirement for department of human services to assist and cooperate with law enforcement officials when child has been exposed to methamphetamine; provide for. (Sen. B. Hardiman)
257		1119	Yes	6/30	7/6	10/1/06	Civil procedure; civil actions; action against persons who publish on the internet information on production or manufacturing of methamphetamine; provide for. (Sen. G. Van Woerkom)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
258		1112	Yes	6/30	7/6	7/6/06	Housing; other; responsibility for certain decisions regarding environmental contamination; revise. (Sen. P. Birkholz)
259		1282	Yes	6/30	7/6	10/1/06 #	Criminal procedure; sentencing guidelines; sentencing guidelines for sale, distribution, or delivery of product containing ephedrine or pseudoephedrine by mail, internet, or telephone; enact. (Sen. J. Gilbert)
260	5798		Yes	6/30	7/6	7/6/06	State agencies (existing); community health; clandestine drug lab cleanup guidance document and notice of potential contamination of property as a result of the illegal drug manufacturing site; require department to establish. (Rep. T. Schuitmaker)
261	5822		Yes	6/30	7/6	10/1/06 #	Health; pharmaceuticals; sale of certain over-the-counter medications that contain ephedrine or pseudoephedrine via the mail, internet, telephone, or other electronic means; prohibit. (Rep. R. Jones)
262	5841		Yes	6/30	7/6	10/1/06	Crimes; controlled substances; methamphetamine reporting; require of certain state agencies. (Rep. T. Schuitmaker)
263	5843		Yes	6/30	7/6	7/6/06	Children; protection; referral of cases involving child exposure to methamphetamine production to the prosecuting attorney; require. (Rep. T. Casperson)

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264	5844		Yes	6/30	7/6	7/6/06	Children; protection; reporting requirements for child suspected of having been exposed to or having had contact with methamphetamine production; establish. (Rep. R. Baxter)
265	5845		Yes	6/30	7/6	7/6/06	Environmental protection; hazardous waste; departmental report of certain environmental contamination caused by releases associated with clandestine drug laboratories; require. (Rep. T. Moore)
266	5930		Yes	6/30	7/6	7/6/06	Children; services; methamphetamine protocol for child exposure; create. (Rep. T. Schuitmaker)
267	5061		Yes	6/30	7/7	7/7/06	Labor; hours and wages; disaster leave for state employees; provide for under certain circumstances. (Rep. K. Green)
268		1074	Yes	7/7	7/7	9/1/06 #	Transportation; motor fuel tax; differential rate on certain motor fuels; provide for. (Sen. J. Gilbert)
269		1075	Yes	7/7	7/7	7/7/06	State; purchasing; state fleets; require to use certain fuels. (Sen. W. Kuipers)
270		1078	Yes	7/7	7/7	7/7/06	Economic development; renaissance zones; renaissance zones for renewable energy facilities; provide for. (Sen. B. Patterson)
271		1079	Yes	7/7	7/7	7/7/06	Transportation; other; standards and codes for use of diesel, biodiesel, and hydrogen; establish. (Sen. C. Brown)

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272	5181		Yes	7/7	7/7	7/7/06	Transportation; other; commission to promote the research and use of ethanol, biodiesel, and other renewable fuels; create. (Rep. J. Mayes)
273	5752		Yes	7/7	7/7	7/7/06	Economic development; renaissance zones; renaissance zones for renewable energy facilities; provide for. (Rep. T. Casperson)
274	5754		Yes	7/7	7/7	7/7/06	Economic development; economic development corporations; funding for fueling infrastructure; provide for. (Rep. N. Nitz)
275		1040	Yes	7/7	7/7	7/7/06	Water; dams; small dam removal; provide for general permits. (Sen. P. Birkholz)
276	5479		Yes	7/7	7/7	7/7/06	Education; school districts; local government input into high school site plans; provide for under certain circumstances. (Rep. P. LaJoy)
277	5959		Yes	7/7	7/7	1/1/04	Transportation; motor fuel tax; provision regarding farm diesel for leaded racing fuel; provide for. (Rep. T. Schuitmaker)
278	4468		Yes	7/7	7/7	7/7/06	Property tax; classification; hunting preserves licensed by the department of natural resources; classify as agricultural property. (Rep. J. Stahl)

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279	5056		Yes	7/7	7/7	7/7/06	Economic development; downtown development authorities; members of the board; allow officers, members, trustees, principals, or employees of a legal entity having interest in downtown development district. (Rep. S. Bieda)
280	5192		Yes	7/7	7/10	7/10/06	Natural resources; hunting; minimum age; reduce. (Rep. S. Hummel)
281	6035		Yes	7/10	7/10	7/10/06 #	Economic development; Michigan economic growth authority; definition of full-time job; revise. (Rep. R. Baxter)
282		1105	Yes	7/7	7/10	7/10/06	Natural resources; hunting; apprentice hunting license for persons without hunter safety training; create and reduce minimum hunting age. (Sen. M. McManus)
283		802	Yes	7/10	7/10	7/10/06 #	Economic development; Michigan economic growth authority; eligibility criteria; modify. (Sen. J. Allen)
284		900	Yes	7/10	7/10	7/10/06	Economic development; renaissance zones; number of agriculture processing renaissance zones; expand. (Sen. R. Jelinek)
285	6069		Yes	7/10	7/10	7/10/06	Education; financing; permissible duration of school aid anticipation notes; revise. (Rep. R. Baxter)
286		1198	Yes	7/18	7/19	7/19/06	Human services; medical services; lead testing for WIC recipients; require. (Sen. M. Scott)

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287	5952		Yes	7/14	7/20	7/20/06 #	Transportation; motor fuel tax; requirement for use or disposal of motor fuel or other product to be in compliance with ASTM standards; eliminate. (Rep. P. LaJoy)
288	5953		Yes	7/14	7/20	7/20/06	Family law; marriage and divorce; provision regarding property rights; modify. (Rep. T. Schuitmaker)
289	6196		Yes	7/14	7/20	7/20/06 #	Insurance; other; certain compensation paid by domestic insurer; provide for general amendments. (Rep. L. Mortimer)
290	6195		Yes	7/14	7/20	7/20/06 #	Insurance; other; action by board of directors and board committees; permit without a meeting in certain cases. (Rep. D. Hildenbrand)
291	6194		Yes	7/14	7/20	7/20/06 #	Insurance; other; board of directors of domestic insurer; provide for general amendments. (Rep. L. Mortimer)
292	5955		Yes	7/18	7/20	7/20/06 #	Occupations; pawnbrokers; posting of certain items on the website; require, exempt certain persons from licensure, and establish certain record-keeping methods. (Rep. D. Hildenbrand)
293	5956		Yes	7/18	7/20	7/20/06 #	Occupations; pawnbrokers; posting of certain items on the website; require, exempt certain persons from licensure, and establish certain record-keeping methods. (Rep. E. Clemente)
294	5957		Yes	7/18	7/20	7/20/06 #	Occupations; junk and secondhand dealers; posting of certain items on the website; require, exempt certain persons from licensure, and establish certain record-keeping methods. (Rep. D. Palsrok)

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295	5958		Yes	7/18	7/20	7/20/06 #	Occupations; other; posting of certain items on the website; require, exempt certain persons from registration, and establish certain record-keeping methods. (Rep. M. Nofs)
296		541	Yes	7/18	7/20	9/1/06	Torts; civil procedure; revised structured settlement protection act; enact. (Sen. A. Sanborn)
297	4807		Yes	7/18	7/20	7/20/06	Traffic control; traffic regulation; authority of local law enforcement to enforce traffic laws on certain private roads; omit need for owner consent and contract to confer. (Rep. J. Stakoe)
298	6084		Yes	7/18	7/20	7/20/06	Traffic control; driver license; commercial driver license requirements; modify to comply with federal law. (Rep. P. LaJoy)
299	4870		Yes	7/18	7/20	7/20/06 #	Cemeteries and funerals; burial or cremation; persons entitled to make funeral and burial arrangement for a deceased; establish priority and related procedures. (Rep. B. Caswell)
300	4891		Yes	7/18	7/20	7/20/06 #	Cemeteries and funerals; burial or cremation; persons entitled to make funeral and burial arrangements for a deceased; revise language in occupational code to reflect changes in estates and protected individuals code. (Rep. D. Law)

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301	5836		Yes	7/18	7/20	7/20/06 #	Cemeteries and funerals; burial or cremation; persons entitled to make funeral and burial arrangements for a deceased; revise language in public health code to reflect changes in estates and protected individuals code. (Rep. B. Caswell)
302	6175		Yes	7/18	7/20	7/20/06	Consumer protection; retail installment sales; electronic titling and registration fees; allow in vehicle installment sales contracts. (Rep. J. Hune)
303		1296	Yes	7/18	7/20	7/20/06	Education; curricula; voluntary single gender schools, classrooms, or programs; allow under certain conditions. (Sen. S. Thomas)
304	5456		Yes	7/19	7/20	7/20/06 #	Economic development; renaissance zones; renaissance zones definitions; modify. (Rep. H. Walker)
305		919	Yes	7/19	7/20	7/20/06 #	Economic development; renaissance zones; forest products renaissance zones; create. (Sen. P. Birkholz)
306		1121	Yes	7/18	7/20	7/20/06	Mental health; community mental health; individuals providing prescreening services; expand. (Sen. T. Stamas)
307		971	Yes	7/19	7/20	7/20/06 #	Recreation; state parks; transfers of state park land; provide process for review. (Sen. C. Brown)

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308		972	Yes	7/19	7/20	7/20/06 #	Recreation; state parks; surplus lands; prohibit land within state parks from being designated surplus. (Sen. P. Birkholz)
309	5143		Yes	7/18	7/20	10/1/06 #	Crimes; other; circumstances under which an individual may exercise right to self-defense and defense of others; clarify. (Rep. R. Jones)
310	5153		Yes	7/18	7/20	10/1/06 #	Criminal procedure; defenses; use of deadly force or force other than deadly force in compliance with self-defense act; decriminalize under certain circumstances. (Rep. L. Mortimer)
311		1046	Yes	7/18	7/20	10/1/06 #	Crimes; other; right to self-defense and defense of others; clarify. (Sen. A. Cropsey)
312		1185	Yes	7/18	7/20	10/1/06 #	Civil procedure; civil actions; payment of attorney fees and costs to individual wrongfully sued for using force in compliance with self-defense act; require. (Sen. R. Jelinek)
313	5142		Yes	7/18	7/20	10/1/06 #	Crimes; other; use of deadly force on certain premises without duty to retreat; clarify when common law applies. (Rep. T. Casperson)
314	5548		Yes	7/18	7/20	10/1/06 #	Civil procedure; civil actions; civil action against person who uses force in compliance with self-defense act; prohibit and provide remedies. (Rep. T. Moore)

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315		1196	Yes	7/20	7/20	7/20/06 #	Corrections; parole; fact-finding hearing regarding possible parole revocation; revise procedures for. (Sen. A. Sanborn)
316	5967		Yes	7/20	7/20	7/20/06 #	Corrections; parole; procedures for revocation of parole; clarify. (Rep. R. Ball)
317		727	Yes	7/20	7/20	7/20/06	Economic development; economic development corporations; defense contract coordination center; create. (Sen. V. Garcia)
318		1260	Yes	7/20	7/20	7/20/06 #	Environmental protection; underground storage tanks; the refined petroleum product cleanup initial program and the temporary reimbursement program; authorize expenditures. (Sen. M. McManus)
319		1176	Yes	7/20	7/20	7/20/06	Income tax; credit; tax credit for stillborn birth; provide for. (Sen. T. Stamas)
320	5581		Yes	7/20	7/20	7/20/06	Transportation; school vehicles; actuation of alternately flashing red lights when loading and unloading students; require. (Rep. R. Jones)
321	6047		Yes	7/20	7/20	7/20/06 #	Environmental protection; underground storage tanks; refined petroleum product cleanup initial program and temporary reimbursement program; create. (Rep. C. Kolb)

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322	6202		Yes	7/20	7/20	7/20/06 #	Environmental protection; underground storage tanks; refined petroleum product cleanup initial program and temporary reimbursement program; implement. (Rep. D. Palsrok)
323	4971		Yes	7/20	7/20	7/20/06	Single business tax; credit; research and development compensation credit; provide for. (Rep. F. Sheen)
324	4375		Yes	7/20	7/20	7/20/06	Education; curricula; instruction programs regarding warning signs and risk factors of suicide and depression; encourage schools to provide. (Rep. C. Ward)
326		784	Yes	8/9	8/10	12/31/04	Property tax; exemptions; federally qualified health centers; exempt from real and personal property taxes. (Sen. J. Allen)
327	5063		Yes	8/9	8/10	8/10/06	Human services; medical services; screening, laboratory services, diagnostic services, early intervention services, and treatment of chronic kidney disease for medicaid eligible individual; provide for. (Rep. J. Gleason)
328	5839		Yes	8/9	8/10	8/10/06	Housing; manufactured, modular, or mobile homes; collection and expenditure of certain fees; revise. (Rep. D. Hildenbrand)
329	6005		Yes	8/9	8/10	8/10/06	Economic development; downtown development authorities; certain development plans and tax increment financing plans; validate. (Rep. C. Ward)

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330		1083	Yes	8/10	8/10	8/10/06	Appropriations; community health; department of community health; provide for fiscal year 2006-2007. (Sen. D. Cherry)
331		1084	Yes	8/10	8/10	8/10/06	Appropriations; corrections; department of corrections; provide for fiscal year 2006-2007. (Sen. M. Switalski)
332		1085	Yes	8/10	8/10	8/10/06 +	Appropriations; education; department of education; provide for fiscal year 2006-2007. (Sen. M. Scott)
333		403	Yes	8/15	8/15	7/1/07	Health; occupations; licensure of nutritionists and dietitians; provide for. (Sen. L. Toy)
334		443	Yes	8/15	8/15	8/15/06	Education; teachers; individual holding secondary level teaching certificate to be certified to teach grade 6 in subject areas in which he or she is endorsed; provide for. (Sen. D. Olshove)
335		673	Yes	8/15	8/15	8/15/06	Education; employees; voluntary certification for school administrators; provide for. (Sen. R. Jelinek)
336		1107	Yes	8/15	8/15	8/15/06	Land use; land division; county road commissions' method of approving final plat; revise. (Sen. P. Birkholz)
337		1108	Yes	8/15	8/15	8/15/06	Education; safety; fire, tornado, and terrorism emergency preparedness drills; require to be conducted during nonclass time. (Sen. J. Gilbert)

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338		1182	Yes	8/15	8/15	8/15/06	Transportation; funds; local limitation on transfer of funds from major street system to local street system; increase. (Sen. J. Gilbert)
339		1224	Yes	8/15	8/15	8/15/06	Vehicles; bicycles; rights of bicyclists to operate on public roads and sidewalks; clarify. (Sen. M. McManus)
340		1088	Yes	8/15	8/15	8/15/06	Appropriations; higher education; higher education; provide for fiscal year 2006-2007. (Sen. D. Cherry)
341		1082	Yes	8/15	8/15	8/15/06	Appropriations; community colleges; community and junior colleges; provide for fiscal year 2006-2007. (Sen. M. Switalski)
342		1095	Yes	8/15	8/15	***	Appropriations; school aid; school aid; provide for fiscal year 2006-2007 and make certain adjustments for 2005-2006. (Sen. M. Switalski)
343		1086	Yes	8/15	8/16	8/16/06 +	Appropriations; environmental quality; department of environmental quality; provide for fiscal year 2006-2007. (Sen. J. Barcia)
344		1094	Yes	8/15	8/16	8/16/06 +	Appropriations; natural resources; department of natural resources; provide for fiscal year 2006-2007. (Sen. J. Barcia)
345	5796		Yes	8/15	8/16	8/16/06 +	Appropriations; other; omnibus budget appropriations bill; provide for fiscal years 2006 and 2007 and make certain adjustments for 2005-2006. (Rep. S. Hummel)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
346		1362	Yes	9/1	9/1	9/1/06	Transportation; motor carrier fuel tax; reduced rate on alternative fuels; implement. (Sen. J. Gilbert)
347	4264		Yes	9/1	9/1	9/1/06 #	Education; school districts; first class school district to operate single gender schools or classes; allow under certain circumstances. (Rep. L. Lemmons, III)
348	6247		Yes	9/1	9/1	9/1/06 #	Education; school districts; gender based schools or classrooms; allow under Elliot-Larsen civil rights act under certain circumstances. (Rep. B. McConico)
349		1047	Yes	9/15	9/18	9/18/06	Economic development; neighborhood enterprise zones; eligibility; expand to include a certain development in the city of Ecorse. (Sen. R. Basham)
350	5217		Yes	9/15	9/18	9/18/06	Weapons; licensing; concealed pistol license records; provide for confidentiality and limit applicant's obligation to disclose criminal record. (Rep. S. Hummel)
351	5800		Yes	9/15	9/18	9/18/06	Corrections; other; use of the Michigan youth correctional facility; revise. (Rep. G. Hansen)
352	5602		Yes	9/15	9/18	9/18/06 #	Probate; wills and estates; rights of inheritance of adopted individuals and adoptive and natural parents; remove conflict between EPIC and adoption code. (Rep. T. Schuitmaker)

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353		420	Yes	9/15	9/18	9/18/06 #	Family law; parenting time; provisions regarding grandparent visitation after stepparent adoption; limit to parent of a deceased parent. (Sen. I. Clark-Coleman)
354	6223		Yes	9/15	9/18	9/18/06 #	Insurance; other; guaranty association; provide for general amendments. (Rep. L. Mortimer)
355	6224		Yes	9/15	9/18	9/18/06 #	Insurance; other; guaranty association; provide for general amendments. (Rep. L. Mortimer)
356	6225		Yes	9/15	9/18	9/18/06 #	Insurance; other; guaranty association; provide for general amendments. (Rep. L. Mortimer)
357	6226		Yes	9/15	9/18	9/18/06 #	Insurance; other; guaranty association; provide for general amendments. (Rep. L. Mortimer)
358	6227		Yes	9/15	9/18	9/18/06 #	Insurance; other; guaranty association; provide for general amendments. (Rep. L. Mortimer)
359	6228		Yes	9/15	9/18	9/18/06 #	Insurance; other; guaranty association; provide for general amendments. (Rep. L. Mortimer)
360	6229		Yes	9/15	9/18	9/18/06 #	Insurance; other; guaranty association; provide for general amendments. (Rep. L. Mortimer)
361	6230		Yes	9/15	9/18	9/18/06 #	Insurance; other; guaranty association; provide for general amendments. (Rep. L. Mortimer)

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+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
362	6231		Yes	9/15	9/18	9/18/06 #	Insurance; other; guaranty association; provide for general amendments. (Rep. L. Mortimer)
363	6232		Yes	9/15	9/18	9/18/06 #	Insurance; other; guaranty association; provide for general amendments. (Rep. L. Mortimer)
364	6233		Yes	9/15	9/18	9/18/06 #	Insurance; other; guaranty association; provide for general amendments. (Rep. L. Mortimer)
365	6234		Yes	9/15	9/18	9/18/06 #	Insurance; other; guaranty association; provide for general amendments. (Rep. L. Mortimer)
366	6235		Yes	9/15	9/18	9/18/06 #	Insurance; other; guaranty association; provide for general amendments. (Rep. L. Mortimer)
367	5060		Yes	9/20	9/21	#	Property; other; use of eminent domain by state or local government to take private property for the primary benefit of a private entity; prohibit. (Rep. G. Steil)
368		693	Yes	9/20	9/21		Land use; condemnation; use of eminent domain to transfer private property to private entities; restrict. (Sen. C. Brown)
369	5817		Yes	9/20	9/21	12/23/06 #	Land use; condemnation; payments to residential occupants who move due to condemnation actions; increase maximum. (Rep. S. Tobocman)
370	5818		Yes	9/20	9/21	12/23/06 #	Land use; condemnation; reimbursement for witness fees in certain actions regarding condemnation; provide for. (Rep. L. Drolet)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
371	5819		Yes	9/20	9/21	12/23/06 #	Land use; condemnation; timing of compensation payments in condemnation actions; revise. (Rep. J. Garfield)
372		453	Yes	9/22	9/22	9/22/06 #	Income tax; credit; Michigan earned income tax credit; provide for. (Sen. N. Cassis)
373	6213		Yes	9/22	9/22	10/1/06 #	Labor; hours and wages; minimum wage and overtime exemptions for employees subject to the federal minimum wage; revise. (Rep. W. Huizenga)
374		1234	Yes	9/22	9/22	10/1/06	Crimes; stolen property; provision regarding stolen, embezzled, or converted property; revise. (Sen. A. Cropsey)
375		1364	Yes	9/22	9/22	10/1/06 #	Labor; hours and wages; training, student, and youth wage; increase and modify. (Sen. C. Brown)
376	4072		Yes	9/22	9/22	9/22/06	Property tax; exemptions; horse boarding stables; classify as agricultural real property. (Rep. D. Hildenbrand)
377		1267	Yes	9/26	9/27	9/27/06	Vehicles; other; definition of "low-speed vehicle"; revise. (Sen. J. Allen)
378		912	Yes	9/26	9/27	9/27/06 #	Property tax; classification; certain qualified forest property; exempt. (Sen. G. Van Woerkom)
379		913	Yes	9/26	9/27	9/27/06 #	Taxation; other; qualified forest property recapture tax; create. (Sen. T. Stamas)
380		914	Yes	9/26	9/27	9/27/06 #	Education; other; qualified forest property; exempt from operating mills. (Sen. J. Allen)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
381		917	Yes	9/26	9/27	9/27/06	Taxation; specific property; specific tax on certain commercial forests subject to certain conservation easements; modify. (Sen. S. Johnson)
382	5454		Yes	9/26	9/27	9/27/06 #	Natural resources; forests; commercial forests; adjust tax and modify penalties for withdrawing lands from commercial forest. (Rep. K. Elsenheimer)
383	5455		Yes	9/26	9/27	9/27/06 #	Natural resources; forests; commercial forest act; modify eligibility criteria. (Rep. W. Huizenga)
384		1290	Yes	9/26	9/27	10/1/06	Traffic control; driver license; driver education provider and instructor act; establish. (Sen. J. Gilbert)
385	6141		Yes	9/26	9/27	9/27/06 #	Health; code; occupation titles and board provisions for physicians and physicians' assistants; relocate. (Rep. R. Kahn)
386	6148		Yes	9/26	9/27	9/27/06 #	Health; code; occupation titles and board provisions for osteopathic physicians; relocate. (Rep. B. Clack)
387	6208		Yes	9/26	9/27	9/27/06 #	Health; code; occupation titles and board provisions for physical therapists and terms of office for members of the athletic trainer board; relocate. (Rep. C. Ward)
388	6207		Yes	9/26	9/27	9/27/06 #	Health; code; occupation titles and board provisions for marriage and family therapists; relocate. (Rep. E. Gaffney)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
389	6206		Yes	9/26	9/27	9/27/06 #	Health; code; terms of office for members of the board of nursing home administrators; relocate. (Rep. M. Nofs)
390	6205		Yes	9/26	9/27	9/27/06 #	Health; code; occupation titles and board provisions for pharmacists; relocate. (Rep. K. Green)
391	6149		Yes	9/26	9/27	9/27/06 #	Health; code; occupation titles and board provisions for podiatrists; relocate. (Rep. L. Mortimer)
392	6147		Yes	9/26	9/27	9/27/06	Health; code; occupation titles and board provisions; clean up and repeal. (Rep. E. Gaffney)
393	6146		Yes	9/26	9/27	9/27/06 #	Health; code; terms of office for members of the board of social work; relocate. (Rep. E. Gaffney)
394	6145		Yes	9/26	9/27	9/27/06 #	Health; code; terms of office for members of the board of occupational therapists; relocate. (Rep. M. Murphy)
395	6143		Yes	9/26	9/27	9/27/06 #	Health; code; occupation titles and board provisions for psychologists; relocate. (Rep. J. Hune)
396	6142		Yes	9/26	9/27	9/27/06 #	Health; code; occupation titles and board provisions for chiropractors; relocate. (Rep. G. Newell)
397	6062		Yes	9/26	9/27	9/27/06	Health; code; occupation titles and board provisions for acupuncturists; relocate. (Rep. L. Mortimer)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
398	6253		Yes	9/26	9/27	9/27/06	Occupations; individual licensing and regulation; extension of sunset for temporary licensure of certain registered nurses and licensure of certain individuals if there are pending out-of-state sanctions under certain circumstances; provide for. (Rep. E. Gaffney)
399		880	Yes	9/29	9/29	9/29/06	Insurance; annuities; senior protection in annuity transactions; provide for. (Sen. G. Van Woerkom)
400		875	Yes	9/29	9/29	9/29/06	Local government; financing; pooled investment programs; allow. (Sen. B. Hardiman)
401	4861		Yes	9/29	9/29	12/28/06	Law enforcement; other; use of pepper spray or foam devices by certain law enforcement personnel; allow. (Rep. R. Ball)
402	5193		Yes	9/29	9/29	12/1/06 #	Corrections; prisoners; address where prisoners who are sex offenders will reside; require department of corrections to provide before prisoner is released. (Rep. R. Baxter)
403	5194		Yes	9/29	9/29	12/1/06 #	Corrections; prisoners; prisoners who are sex offenders; require to provide address to department of corrections before being released. (Rep. R. Baxter)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
404	6135		Yes	9/29	9/29	12/1/06 #	Criminal procedure; sentencing guidelines; crime of sex offender failing to provide notice of proposed residence upon release from incarceration; provide in sentencing guidelines. (Rep. R. Baxter)
405	5719		Yes	9/29	9/29	10/1/06	Crimes; other; sale or possession of firefighter or emergency medical service providers uniforms, patches, and badges; prohibit under certain circumstances. (Rep. B. Caul)
406	6063		Yes	9/29	9/29	9/29/06	Health; code; occupation titles and board provisions for veterinarians; relocate. (Rep. L. Mortimer)
407	6064		Yes	9/29	9/29	9/29/06 #	Health; code; terms of office for members of the board of respiratory care; relocate. (Rep. L. Mortimer)
408	6086		Yes	9/29	9/29	9/29/06 #	Health; code; title protection for sanitarian; clarify. (Rep. L. Wojno)
409	6138		Yes	9/29	9/29	9/29/06 #	Health; code; occupation titles and board provisions for nurses; relocate. (Rep. B. Vander Veen)
410	6139		Yes	9/29	9/29	9/29/06 #	Health; code; occupation titles and board provisions for optometrists; relocate. (Rep. R. Ball)
411	6140		Yes	9/29	9/29	9/29/06 #	Health; code; occupation titles and board provisions for audiologists; relocate. (Rep. D. Robertson)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
412		848	No	9/29	9/29	**	Insurance; health; offering of wellness coverage with premium rebate; provide for. (Sen. T. George)
413		849	No	9/29	9/29	**	Insurance; health care corporations; offering of wellness coverage with premium rebate; provide for. (Sen. T. George)
414		1016	Yes	9/29	9/29	9/29/06	Occupations; real estate; requirements for a real estate appraisers license; revise. (Sen. T. George)
415	4431		Yes	9/29	9/29	12/1/06	Crimes; homicide; definition of first degree murder; expand to include murder committed in the perpetration or attempted perpetration of aggravated stalking, the violation of a personal protection order, and the violation of a condition of release on bond or on parole. (Rep. L. Wenke)
416	5672		Yes	9/29	9/29	9/29/06	Health; pharmaceuticals; cancer drug repository program; create. (Rep. B. Vander Veen)
417		877	Yes	9/29	9/29	9/29/06 #	Agriculture; fertilizer; anhydrous ammonia; set security standards. (Sen. V. Garcia)
418	4108		Yes	9/29	9/29	9/29/06 #	Torts; liability; immunity for farmers who use tank locks or dye additives to prevent anhydrous ammonia theft; provide for. (Rep. J. Mayes)
419	4086		Yes	9/29	9/29	9/29/06	Family law; marriage and divorce; solemnization of marriage; allow all county clerks and certain designees to conduct. (Rep. S. Taub)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
420	6014		Yes	9/29	9/29	9/29/06 #	Higher education; private; operation of religious colleges; authorize under general corporation act. (Rep. K. Elsenheimer)
421	6016		Yes	9/29	9/29	9/29/06 #	Higher education; private; state regulation of nonincorporated private postsecondary educational institutions; exempt religious colleges. (Rep. B. Palmer)
422		1167	Yes	9/29	9/29	9/29/06 #	Agriculture; other; value-added and commercialization roundtable; establish for certain purposes. (Sen. R. Jelinek)
423		1168	Yes	9/29	9/29	9/29/06 #	Agriculture; other; value-added and commercialization program for agriculture processing; expand to include a grant and loan program. (Sen. M. McManus)
424		1169	Yes	9/29	9/29	9/29/06 #	Agriculture; other; agricultural development fund; create and provide for administration. (Sen. C. Brown)
425	6249		Yes	10/3	10/5	10/5/06	Higher education; financial aid; use of Michigan guaranty agency operating fund for state competitive scholarship and tuition incentive programs; authorize. (Rep. J. Kooiman)
426	6197		Yes	10/3	10/5	10/5/06	Occupations; notaries public; technical and clarifying amendments; provide for. (Rep. K. Elsenheimer)
427		435	Yes	10/3	10/5	10/5/06	Gaming; bingo; miscellaneous amendments to the bingo act; enact. (Sen. J. Barcia)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
428	6089		Yes	10/3	10/5	10/5/06	Use tax; credits and deductions; definition of "delivery charges"; exclude postage under certain circumstances. (Rep. J. Kooiman)
429	6150		Yes	10/3	10/5	10/5/06 #	Health; code; occupation titles and board provisions for dentists, dental hygienists, dental assistants, and counselors; relocate. (Rep. J. Gleason)
430	6164		Yes	10/3	10/5	10/5/06	Environmental protection; permits; wetlands; allow local units to waive right to comment on state permit. (Rep. J. Pastor)
431	6165		Yes	10/3	10/5	10/5/06	Environmental protection; permits; wetlands permits; provide for minor permit revisions. (Rep. J. Pastor)
432	6248		Yes	10/3	10/5	10/5/06	Insurance; other; waiver of customer liability agreement; clarify as not being insurance. (Rep. J. Hune)
433	5408		Yes	10/3	10/5	10/5/06	Natural resources; hunting; transporting firearms and bows and arrows; eliminate, under certain circumstances, requirement for hunting license. (Rep. T. Moore)
434	6090		Yes	10/3	10/5	10/5/06	Sales tax; credits and deductions; definition of "delivery charges"; exclude postage under certain circumstances. (Rep. G. Steil)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
435	6162		Yes	10/3	10/5	10/5/06	Environmental protection; permits; prospective wetlands permit application; provide for meeting between applicant and department of environmental quality to review. (Rep. J. Pastor)
436		1284	Yes	10/3	10/5	10/5/06	Economic development; plant rehabilitation; eligibility for an industrial facilities exemption certificate provision; expand. (Sen. L. Toy)
437		1375	Yes	10/3	10/5	10/5/06	Revenue sharing; cities and villages; distribution of revenue sharing payments for the 2006-2007 state fiscal year; revise. (Sen. M. Switalski)
438	5820		Yes	10/3	10/5	12/23/06 #	Land use; condemnation; provisions regarding escrowed compensation dedicated to cost of environmental remediation; revise. (Rep. L. Lemmons, III)
439	5821		Yes	10/3	10/5	12/23/06 #	Land use; condemnation; procedures regarding just compensation and notice to occupants of property; revise. (Rep. B. McConico)
440	5942		Yes	10/3	10/5	10/5/06	Economic development; renaissance zones; requirements for renaissance zone status; modify. (Rep. D. Palsrok)
441	5348		Yes	10/18	10/19	10/19/06	Insurance; health; insurance code long-term care; make blue cross and blue shield subject to. (Rep. K. Green)
442	5349		Yes	10/18	10/19	10/19/06	Insurance; other; long-term care; provide for general amendments. (Rep. P. Zelenko)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
443		1226	Yes	11/27	11/27	11/27/06	Liquor; other; request via parent or guardian for alcohol testing of minor on probation; allow and include regular or random testing as condition of probation. (Sen. A. Cropsey)
444		1371	Yes	11/27	11/27	11/27/06	Higher education; financial aid; nursing scholarship act; expand to include students in master's degree in nursing program. (Sen. M. Switalski)
445		1052	Yes	11/27	11/27	11/27/06	Gaming; horse racing; wagers placed by racing commissioner and immediate family members; prohibit. (Sen. J. Allen)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
Veto	4596					6/26/06	Criminal procedure; sentencing guidelines; violations in a drug free park zone; include in sentencing guidelines. (Rep. B. Caul)
Veto	5355					2/3/06	Taxation; administration; issuance of retroactive application; modify. (Rep. F. Sheen)
Veto	5363					2/3/06	Taxation; administration; authority of state treasurer to settle tax disputes; provide for certain procedures. (Rep. J. Stakoe)
Veto	5386					2/3/06	Use tax; exemptions; certain exemptions; eliminate. (Rep. R. Kahn)
Veto	5447					2/3/06	Labor; health and safety; promulgation of rules regarding workplace ergonomics; prohibit. (Rep. R. Jones)
Veto	5648					5/12/06	Elections; election officials; board of state canvassers and director of elections; revise duties concerning ballot question petitions. (Rep. T. Schuitmaker)
Veto	5649					5/12/06	Elections; election officials; court review of determination made by state director of elections; revise to include. (Rep. B. Vander Veen)
Veto	5650					5/12/06	Elections; election officials; board of state canvassers and director of elections; revise duties concerning ballot question petitions. (Rep. C. Ward)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
Veto	5743					3/31/06	Single business tax; repeal; repeal of single business tax; provide for. (Rep. L. Drolet)
Veto	5744					3/23/06	Mental health; code; promulgating rules, or establishing guidelines or policies that grant preferences in licensure to regulated facilities that have collective bargaining agreements with employees; prohibit. (Rep. B. Caswell)
Veto	5745					3/23/06	Health; code; promulgating rules or exceptions to rules that grant preferences in licensure to providers, facilities, or employers licensed under the code that have collective bargaining agreements with employees; prohibit. (Rep. R. Shaffer)
Veto		179				3/3/06	Labor; youth employment; youth employment standards; revise maximum number of hours a minor may work. (Sen. T. Stamas)
Veto		297				6/23/06	Vehicles; motorcycles; requirement of wearing crash helmets; provide exceptions under certain circumstances. (Sen. A. Cropsey)
Veto		372				3/31/06	Local government; public services; certain city managed water and sewer systems; provide for regionalization of. (Sen. L. Toy)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
Veto		050				9/22/06	Liquor; licenses; "catering permit" for on-premises licensees to serve alcohol at locations other than the licensed premises under certain circumstances; provide for. (Sen. S. Johnson)
Veto		957				2/3/06	Single business tax; credit; alternative tax rate and percentage reduction in tax liability; revise. (Sen. N. Cassis)
Veto		973				5/12/06	Elections; election officials; board of state canvassers and director of elections; revise duties concerning ballot question language. (Sen. B. Hammerstrom)
Veto		974				5/12/06	Elections; election officials; board of state canvassers and director of elections; revise duties concerning ballot questions. (Sen. W. Kuipers)
Veto		975				5/12/06	Elections; election officials; board of state canvassers and director of elections; revise duties concerning ballot questions. (Sen. M. Bishop)
Veto		976				5/12/06	Elections; election officials; board of state canvassers and director of elections; revise duties concerning ballot question petitions. (Sen. A. Cropsey)
Veto		1026				3/23/06	Administrative procedure; rules; rule or exception to a rule; clarify in regard to the presence or lack of a collective bargaining agreement with employees. (Sen. B. Hardiman)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
Veto		1027				3/23/06	Human services; adult foster care; promulgating rules, or establishing guidelines or policies that grant preferences in licensure to regulated facilities that have collective bargaining agreements with employees; prohibit. (Sen. A. Cropsey)
Veto		1028				3/23/06	Human services; other; promulgating rules, or establishing guidelines or policies that grant preferences in licensure to regulated facilities that have collective bargaining agreements with employees; prohibit. (Sen. A. Sanborn)

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MICHIGAN ADMINISTRATIVE CODE TABLE
(2006 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the State Office of Administrative Hearings and Rules.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

**MICHIGAN ADMINISTRATIVE CODE TABLE
(2006 RULE FILINGS)**

R Number	Action	2006 MR Issue	R Number	Action	2006 MR Issue	R Number	Action	2006 MR Issue
18.101	R	16	24.403	R	16	28.4151	R	11
18.102	R	16	24.404	R	16	28.4152	R	11
18.103	R	16	24.405	R	16	28.4153	R	11
18.104	R	16	24.406	R	16	28.4154	R	11
18.105	R	16	24.407	R	16	28.4155	R	11
18.106	R	16	24.408	R	16	28.4156	R	11
18.107	R	16	24.409	R	16	28.4157	R	11
18.108	R	16	24.410	R	16	28.4158	R	11
18.109	R	16	24.411	R	16	28.4159	R	11
18.110	R	16	24.412	R	16	28.4160	R	11
18.111	R	16	24.413	R	16	28.4161	R	11
18.112	R	16	24.414	R	16	28.4162	R	11
18.113	R	16	24.415	R	16	28.4163	R	11
18.451	R	2	24.416	R	16	28.4164	R	11
18.452	R	2	24.417	R	16	28.4165	R	11
18.452a	R	2	24.418	R	16	28.4166	R	11
18.453	R	2	24.419	R	16	28.4167	R	11
18.454	R	2	28.4101	R	11	28.4168	R	11
18.455	R	2	28.4102	R	11	28.4169	R	11
18.455a	R	2	28.4102a	R	11	28.4170	R	11
18.456	R	2	28.4103	R	11	28.4171	R	11
18.457	R	2	28.4104	R	11	28.4172	R	11
18.458	R	2	28.4105	R	11	28.4173	R	11
18.459	R	2	28.4106	R	11	28.4174	R	11
18.460	R	2	28.4107	R	11	28.4175	R	11
18.461	R	2	28.4108	R	11	28.4199	R	11
18.462	R	2	28.4109	R	11	28.14101	A	11
18.14901	A	2	28.4110	R	11	28.14102	A	11
18.14902	A	2	28.4111	R	11	28.14103	A	11
18.14903	A	2	28.4112	R	11	28.14201	A	11
18.14904	A	2	28.4113	R	11	28.14202	A	11
18.14905	A	2	28.4114	R	11	28.14203	A	11
18.14906	A	2	28.4115	R	11	28.14204	A	11
18.14907	A	2	28.4116	R	11	28.14205	A	11
18.14908	A	2	28.4117	R	11	28.14206	A	11
18.14909	A	2	28.4118	R	11	28.14207	A	11
18.14910	A	2	28.4119	R	11	28.14208	A	11
24.401	R	16	28.4120	R	11	28.14209	A	11
24.402	R	16	28.4121	R	11	28.14210	A	11

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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R Number	Action	2006 MR Issue	R Number	Action	2006 MR Issue	R Number	Action	2006 MR Issue
28.14211	A	11	28.14609	A	11	323.1203	*	1
28.14401	A	11	28.14701	A	11	323.1205	*	1
28.14402	A	11	28.14702	A	11	323.1209	*	1
28.14403	A	11	200.20	*	10	323.1211	*	1
28.14404	A	11	257.1602	A	5	323.1213	*	1
28.14405	A	11	257.1603	A	8	323.1217	*	1
28.14406	A	11	281.9240	*	22	323.1219	*	1
28.14407	A	11	285.351	*	13	323.1221	*	1
28.14408	A	11	285.352	*	13	323.2103	*	22
28.14409	A	11	285.353	*	13	323.2104	*	22
28.14410	A	11	285.354	*	13	323.2108	*	22
28.14411	A	11	285.355	A	13	323.2161	*	22
28.14412	A	11	285.356	A	13	323.2189	*	22
28.14413	A	11	285.813.1	*	2	323.2190	*	22
28.14414	A	11	285.813.2	*	2	323.2197	A	22
28.14501	A	11	285.813.3	*	2	324.1401	A	23
28.14502	A	11	285.813.4	*	2	324.1402	A	23
28.14503	A	11	285.813.5	*	2	324.1403	A	23
28.14504	A	11	323.1041	*	1	324.1404	A	23
28.14505	A	11	323.1043	*	1	324.1405	A	23
28.14506	A	11	323.1044	*	1	324.1406	A	23
28.14507	A	11	323.1050	*	1	324.1407	A	23
28.14508	A	11	323.1053	*	1	324.1408	A	23
28.14509	A	11	323.1055	*	1	324.1409	A	23
28.14510	A	11	323.1057	*	1	324.1410	A	23
28.14511	A	11	323.1060	*	1	324.1411	A	23
28.14512	A	11	323.1062	*	1	324.1412	A	23
28.14513	A	11	323.1064	*	1	324.1413	A	23
28.14514	A	11	323.1065	*	1	324.1414	A	23
28.14515	A	11	323.1069	*	1	324.1415	A	23
28.14516	A	11	323.1082	*	1	324.1416	A	23
28.14601	A	11	323.1090	*	1	324.1417	A	23
28.14602	A	11	323.1092	*	1	324.1418	A	23
28.14603	A	11	323.1096	*	1	324.1419	A	23
28.14604	A	11	323.1097	*	1	324.1420	A	23
28.14605	A	11	323.1100	*	1	324.1421	A	23
28.14606	A	11	323.1105	*	1	324.1422	A	23
28.14607	A	11	323.1116	*	1	324.1501	*	22
28.14608	A	11	323.1117	*	1	324.1503	*	22

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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324.1504	*	22	336.2805	A	23	338.11222	*	11
324.1505	*	22	336.2806	A	23	338.11223	*	11
324.1506	*	22	336.2807	A	23	338.11247	*	11
324.1507	*	22	336.2808	A	23	338.11255	*	11
324.1508	*	22	336.2809	A	23	338.11259	*	11
324.1509	A	22	336.2810	A	23	338.11261	*	11
324.1509a		22	336.2811	A	23	338.11301	*	11
325.176	*	10	336.2812	A	23	338.11303	*	11
325.14101	*	13	336.2813	A	23	338.11307	*	11
325.14102	*	13	336.2814	A	23	338.11403	*	11
325.14103	*	13	336.2815	A	23	338.11404	A	11
325.14208	*	13	336.2816	A	23	338.11405	*	11
325.14213	*	13	336.2817	A	23	338.11405a	A	11
325.14419	*	13	336.2818	A	23	338.11406	*	11
325.14521	R	13	336.2819	A	23	338.11408	*	11
325.14522	R	13	336.2823	A	23	338.11409	A	11
325.14523	R	13	336.2830	A	23	338.11603	*	11
325.14524	R	13	338.1511	*	10	338.11605	A	11
325.14525	R	13	338.1521	*	10	338.11704a	*	11
325.14526	R	13	338.1524	*	10	338.11705	*	11
325.14527	R	13	338.1525	*	10	338.12001	*	9
325.14528	R	13	338.1526	*	10	338.12003	*	9
325.14529	R	13	338.1531	*	10	338.12005	*	9
325.14530	R	13	338.1532	*	10	338.12006	*	9
325.14621	R	13	338.1533	*	10	338.12008	*	9
325.14622	R	13	338.1534	*	10	338.12008a	*	9
325.14623	R	13	338.1535	*	10	338.12015	A	9
325.50141	N	14	338.1536	*	10	339.11	A	11
325.50142	N	14	338.1551	*	10	339.21	A	11
325.50143	N	14	338.2101	*	10	339.22	A	11
325.51995	N	14	338.2127	*	10	339.23	A	11
325.51996	N	14	338.2134	*	10	339.24	A	11
325.51997	N	14	338.2139a	*	10	339.31	A	11
336.1818	A	22	338.2145	*	10	339.32	A	11
336.2801	A	23	338.11101	*	11	339.33	A	11
336.2801a	A	23	338.11201	*	11	339.34	A	11
336.2802	A	23	338.11202	*	11	339.35	A	11
336.2803	A	23	338.11203	*	11	339.36	A	11
336.2804	A	23	338.11221	*	11	339.37	A	11

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

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339.41	A	11	390.1111	*	22	390.1201	*	22
339.42	A	11	390.1115	*	22	390.1202	*	22
339.43	A	11	390.1117	*	22	390.1203	*	22
339.45	A	11	390.1118	*	22	390.1204	*	22
339.47	A	11	390.1121	*	22	390.1205	R	22
339.1701	*	8	390.1122	*	22	390.1206	*	22
339.1705	*	8	390.1123	*	22	390.1207	*	22
339.1706	A	8	390.1124	*	22	390.1208	R	22
339.15101	A	6	390.1125	*	22	390.1209	*	22
339.15103	A	6	390.1126	*	22	390.1210	*	22
339.15201	A	6	390.1127	*	22	390.1211	R	22
339.15202	A	6	390.1128	*	22	390.1212	*	22
339.15204	A	6	390.1129	*	22	390.1213	*	22
339.23101	A	11	390.1129a	*	22	390.1214	*	22
339.23201	A	11	390.1130	*	22	390.1215	R	22
339.23307	A	11	390.1132	*	22	390.1216	*	22
339.23311	A	11	390.1133	R	22	390.1251	A	13
339.23317	A	11	390.1134	*	22	390.1301	*	13
339.23321	A	11	390.1135	*	22	390.1302	*	13
339.23326	A	11	390.1136	R	22	390.1303	*	13
339.23403	A	11	390.1141	*	22	390.1303a	A	13
339.23405	A	11	390.1142	*	22	390.1304	*	13
339.2332	A	11	390.1143	*	22	390.1305	*	13
340.1724e	A	22	390.1145	*	22	390.1306	A	13
340.1724f	A	22	390.1146	*	22	390.1307	A	13
340.1724g	A	22	390.1151	*	22	390.1308	A	13
340.1724h	A	22	390.1152	*	22	400.5101	*	11
340.1724i	A	22	390.1153	*	22	400.5102	*	11
340.1881	R	13	390.1154	*	22	400.5102a	A	11
340.1882	R	13	390.1155	*	22	400.5103	*	11
380.203	*	13	390.1156	*	22	400.5103a	A	11
380.204	*	13	390.1157	R	22	400.5104	*	11
380.205	*	13	390.1161	*	22	400.5104a	*	11
380.206	*	13	390.1162	*	22	400.5104b	*	11
380.206a	A	13	390.1163	*	22	400.5105	*	11
380.208	*	13	390.1164	R	22	400.5105a	R	11
390.1101	*	22	390.1164a	A	22	400.5105b	R	11
390.1103	*	22	390.1165	*	22	400.5106	*	11
390.1105	*	22	390.1166	*	22	400.5107	*	11

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400.5108	*	11	400.5405	R	11	400.5841	*	11
400.5109	*	11	400.5501	*	11	400.5845	*	11
400.5109a	A	11	400.5502	*	11	400.5850	*	11
400.5110	*	11	400.5502a	A	11	400.5865	*	11
400.5111	*	11	400.5502b	A	11	400.5870	*	11
400.5111a	A	11	400.5502c	A	11	400.5900a	A	11
400.5111b	A	11	400.5503	R	11	400.5901	*	11
400.5112	R	11	400.5601	*	11	400.5902	*	11
400.5113	R	11	400.5602	*	11	400.5902a	A	11
400.5113a	*	11	400.5603	*	11	400.5902b	A	11
400.5113b	A	11	400.5604	*	11	400.5902c	A	11
400.5113c	A	11	400.5605	*	11	400.5902d	A	11
400.5114	*	11	400.5606	*	11	400.5905	*	11
400.5115	*	11	400.5607	*	11	400.5910	*	11
400.5116	*	11	400.5610	*	11	400.5915	*	11
400.5117	*	11	400.5611	*	11	400.5920	*	11
400.5118	*	11	400.5612	R	11	400.5925	*	11
400.5201	R	11	400.5613	*	11	400.5930	*	11
400.5201a	A	11	400.5614	R	11	400.5935	*	11
400.5201b	A	11	400.5615	A	11	400.5940	*	11
400.5202a	A	11	400.5701	R	11	408.43t	A	5
400.5204	*	11	400.5702	R	11	408.4012	*	13
400.5204a	A	11	400.5703	R	11	408.4024	*	13
400.5205	*	11	400.5704	R	11	408.4025	*	13
400.5206	*	11	400.5705	R	11	408.4027	*	13
400.5207	R	11	400.5706	R	11	408.4028	*	13
400.5209	*	11	400.5709	R	11	408.4031	*	13
400.5301	*	11	400.5710	R	11	408.4032	*	13
400.5302	*	11	400.5711	R	11	408.4033	*	13
400.5303	*	11	400.5712	R	11	408.4039	*	13
400.5303a	A	11	400.5801	*	11	408.4045	*	13
400.5305	A	11	400.5805	*	11	408.4047	*	13
400.5306	A	11	400.5810	*	11	408.4057	*	13
400.5307	A	11	400.5815	*	11	408.4058	*	13
400.5401	R	11	400.5820	*	11	408.4059	*	13
400.5402	R	11	400.5825	*	11	408.4065	*	13
400.5403	R	11	400.5835	*	11	408.4073	*	13
400.5404	R	11	400.5840	*	11	408.4091	*	13

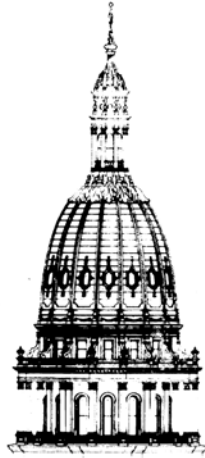
(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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408.4096	*	13	408.4613	R	13	408.6208	*	6
408.4103	*	13	408.4614	R	13	408.6302	*	6
408.4107	*	13	408.4615	R	13	408.6303	*	6
408.4114	*	13	408.4616	R	13	408.6309	A	6
408.4119	*	13	408.4617	R	13	408.9002	*	13
408.4120	A	13	408.4618	R	13	408.9033	*	13
408.4121	*	13	408.4619	R	13	408.9035	A	13
408.4125	*	13	408.4620	R	13	408.10803	*	8
408.4127	*	13	408.4622	R	13	408.10807	A	8
408.4133	*	13	408.4623	R	13	408.10811	*	8
408.4139	*	13	408.4624	R	13	408.10813	*	8
408.4163	*	13	408.4625	R	13	408.10822	*	8
408.4171	*	13	408.4626	*	13	408.10826	A	8
408.4177	*	13	408.4627	R	13	408.10836	*	8
408.4182	*	13	408.4628	R	13	408.31107	A	2
408.4197	*	13	408.4631	R	13	408.31169	A	2
408.4302	*	13	408.4637	R	13	408.42209	A	22
408.4303	*	13	408.4660	R	13	408.42223	*	22
408.4304	R	13	408.4667	R	13	408.42225	*	22
408.4503	R	13	408.4689	R	13	408.42235	*	22
408.4507	*	13	408.4701	*	13	408.42238	*	22
408.4510	*	13	408.4704	R	13	418.4	*	8
408.4511	*	13	408.4707	R	13	418.6	*	8
408.4512	*	13	408.4711	*	13	418.7	*	8
408.4518	R	13	408.4727	R	13	418.10107	*	5
408.4566	R	13	408.4731	R	13	418.10201	*	5
408.4601	*	13	408.4735	R	13	418.10913	*	5
408.4602	R	13	408.4739	R	13	418.10916	R	5
408.4603	R	13	408.4743	R	13	418.10922	*	5
408.4604	R	13	408.4747	R	13	418.101001	*	5
408.4605	R	13	408.4750	R	13	418.101002	*	5
408.4606	R	13	408.4801	R	13	418.101003	*	5
408.4607	R	13	408.4851	R	13	418.101003b	A	5
408.4608	R	13	408.4853	R	13	418.101023	*	5
408.4609	R	13	408.4856	R	13	418.101504	*	5
408.4610	R	13	408.4893	R	13	432.1	*	22
408.4611	R	13	408.6203	*	6	432.2	*	22
408.4612	R	13	408.6206	*	6	432.3	*	22

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432.4	*	22	500.886	R	22
432.5	*	22	500.887	R	22
432.6	*	22	500.888	R	22
432.8	*	22	500.889	R	22
432.9	*	22	500.991	A	22
432.10	*	22	500.992	A	22
432.12	*	22	500.993	A	22
432.13	*	22	500.994	A	22
432.15	*	22	500.995	A	22
432.16	*	22	500.996	A	22
432.17	*	22			
432.18	*	22			
432.20	*	22			
432.21	*	22			
432.36	*	22			
432.37	*	22			
451.1901	R	22			
451.1902	R	22			
451.1903	R	22			
451.1904	R	22			
451.1905	R	22			
451.1906	R	22			
451.1907	R	22			
451.1908	R	22			
460.1	R	12			
460.2	R	12			
460.3	R	12			
460.4	R	12			
460.5	R	12			
460.6	R	12			
460.7	R	12			
460.20606	*	23			
484.510	*	13			
500.881	R	22			
500.882	R	22			
500.883	R	22			
500.884	R	22			
500.885	R	22			

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